

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America, )  
Plaintiff, ) File No. 18-cr-90  
v. ) (RWP/CFB)  
Robert Phillip Ivers, ) Devitt Courtroom  
Defendant. ) St. Paul, Minnesota  
Thursday, September 13, 2018  
8:30 a.m.  
-----

BEFORE THE HONORABLE ROBERT W. PRATT  
UNITED STATES DISTRICT COURT SENIOR JUDGE  
AND A JURY

**(JURY TRIAL - VOLUME III)**

APPEARANCES

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INDEX - VOLUME IIIWITNESSESPAGE**LORA FRIEDEMANN**

Cross-Examination (Resumed) by Mr. Kelley 424

Redirect Examination by Mr. Rank 436

**ANNE RONDONI TAVERNIER**

Direct Examination by Mr. Rank 442

Cross-Examination by Mr. Kelley 464

**MATTHEW SEYFRIED**

Direct Examination by Ms. Allyn 493

Cross-Examination by Mr. Kelley 522

Redirect Examination by Ms. Allyn 536

**FARRIS WOOTON**

Direct Examination by Mr. Rank 538

Cross-Examination by Mr. Kelley 562

Redirect Examination by Mr. Rank 588

Recross-Examination by Mr. Kelley 593

**GOVERNMENT RESTS**

597

**JANET PATTERSON**

Direct Examination by Mr. Kelley 598

Cross-Examination by Mr. Rank 627

**ROBERT IVERS**

Direct Examination by Mr. Scott 640

Cross-Examination by Ms. Allyn 676

**DEFENDANT RESTS**

747

GOVT EXHIBITSMARKEDOFFEREDRECEIVED

14

508

508

30

559

559

DEFT EXHIBITSMARKEDOFFEREDRECEIVED

1

645, 676

676

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676

676

3

658

658

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**P R O C E E D I N G S**

**IN OPEN COURT WITHOUT THE JURY PRESENT**

THE COURT: We are waiting on one juror.

The record should show that Docket 58 involves a confidential memo only part of which the court gave to the government. Mr. Rank emailed me last night regarding it and copied counsel. Mr. Scott wants his previous objection to the court's ruling noted. It's noted.

Mr. Rank, do you want to make a motion?

MR. RANK: Yes, Your Honor. The government would make an oral motion to disclose the full in camera memorandum, the active portions being removed, that was previously disclosed as Docket No. 119-1.

MR. SCOTT: Your Honor, what Mr. Rank told you in the email last night is correct. We want to maintain our objection for opening up the conversations at all; but once they were opened, it was our decision to finish opening them, and so the government's entitled to that.

THE COURT: Okay. All right. We will await the juror and then begin.

**IN OPEN COURT WITH THE JURY PRESENT**

THE COURT: Please be seated. Good morning.

When we left off last evening, Mr. Kelley was cross-examining Ms. Friedemann, so we will continue with

FRIEDEMANN - CROSS (Resumed)

1 that examination.

2 When a witness re-appears, we don't re-swear them,  
3 so.

4 LORA FRIEDEMANN,  
5 called on behalf of the government, was previously sworn,  
6 was further examined and testified as follows:

7 CROSS-EXAMINATION (Resumed)

8 BY MR. KELLEY:

9 Q. Good morning, Ms. Friedemann.

10 A. Good morning.

11 Q. It's kind of hard to tell exactly where we left off  
12 yesterday in the afternoon, but I believe we were talking  
13 about the May 7th interview with the government. Do you  
14 remember that?

15 A. I don't remember where we left off either, Mr. Kelley,  
16 but you can bring me back there.

17 Q. All right. We will start there. So May 7th, 2018, you  
18 were interviewed by AUSA Tim Rank and Deputy Wooton at the  
19 U.S. Attorney's Office, correct?

20 A. Yes.

21 Q. And you told them that Mr. Ivers said during the  
22 February 27th call, quote, you don't know the 50 different  
23 ways I plan to kill her, present tense. Do you remember  
24 that?

25 A. I believe I read from my notes, as I had for my prior

—FRIEDEMANN - CROSS (Resumed)—

1 conversation with Deputy Wooton.

2 Q. So if they wrote down "plan," they must be wrong?

3 A. I wouldn't say wrong. I would say, again, it's very  
4 difficult to tell which tense a person is speaking.

5 Q. You did not provide the government with your notes at  
6 that time, did you?

7 A. I don't believe the government received my notes until a  
8 later date.

9 Q. Okay. You did not provide them with your notes in May?

10 A. No.

11 Q. So that was May, three months after the February 27th  
12 phone call. I am going to jump to August 2018. So just a  
13 month ago. That's when you finally disclosed your notes to  
14 the government, right?

15 A. I don't recall the timing, but when the government  
16 requested my notes they were provided.

17 Q. So the government requested your notes in August?

18 A. I believe that's the case.

19 Q. And your notes say planned, past tense?

20 A. They do.

21 Q. So this is five months after the February 27th phone  
22 call. That's the first time you disclose your notes to the  
23 government?

24 A. Yes.

25 Q. And prior to disclosing your notes, you had spoken to

—FRIEDEMANN - CROSS (Resumed)—

1 the government at least three times?

2 A. Yes.

3 Q. February 28th with Deputy Wooton?

4 A. Yes.

5 Q. You did not provide him with your notes then?

6 A. I didn't. I read -- I read them to him.

7 Q. March 16th you talked to Mr. Rank and Mr. Wooton or  
8 Deputy Wooton. You did not provide your notes to them then,  
9 did you?

10 MR. RANK: Your Honor, this is cumulative  
11 testimony. This has all been asked and answered.

12 THE COURT: It's repetitive and cumulative.  
13 Counsel, it has been asked and answered.

14 MR. KELLEY: Okay.

15 BY MR. KELLEY:

16 Q. So sometime early August you disclosed your notes.  
17 August 14th Mr. Rank calls you. Do you remember that?

18 A. I'm not sure of any of the dates. I remember a phone  
19 conversation.

20 Q. Do you remember a phone conversation with Mr. Rank  
21 sometime mid August? You can't remember exactly when?

22 A. That's fair.

23 Q. Okay. The next day -- let's say it is August 15th, but  
24 the next day after this phone call Mr. Rank emails you,  
25 correct?

—FRIEDEMANN - CROSS (Resumed)—

1 A. I don't recall.

2 Q. You don't recall if he emailed you?

3 A. I'm sure you have a copy that you can show me.

4 Q. I do. So just to get some context here, the email asks  
5 you to confirm what you said during the August 14th phone  
6 call.

7 A. Okay.

8 Q. Okay, you don't remember this?

9 A. No. I do remember that.

10 Q. Okay. And you respond to his email 30 minutes later and  
11 you -- do you remember saying to Mr. Rank, "You summarized  
12 the conversation accurately, Tim. If there's anything else  
13 you need, please don't hesitate to ask. Lora"? Do you  
14 remember responding that way?

15 A. That seems accurate.

16 Q. So yes?

17 A. I don't have the document in front of me, and I want to  
18 be very careful here, but I am assuming you read it  
19 correctly.

20 Q. Okay. And his email confirms your notes say, "You don't  
21 know the 50 different ways I planned to kill her," planned,  
22 past tense.

23 A. Yes, that's what my notes say.

24 Q. Okay. But he's emailing to confirm that?

25 A. I think he was -- well, I don't know what his thought

—FRIEDEMANN - CROSS (Resumed)—

1 process was.

2 Q. And you also -- summarizing this, you have agreed that  
3 this says that you told him it is difficult to discern the  
4 difference between plan and planned, present and past tense.

5 A. Well, when spoken, I believe that's true.

6 Q. You told him you cannot say with certainty whether  
7 Mr. Ivers said plan, present tense, or planned, past tense.

8 A. Correct.

9 Q. And you confirmed that you wrote down planned, past  
10 tense.

11 A. I did.

12 Q. So now sitting in trial, you have talked to the  
13 government at least four to five times about what Mr. Ivers  
14 said.

15 A. Yes.

16 Q. We, Mr. Scott and myself, the defense attorneys, also  
17 asked to talk to you, didn't we?

18 A. Yes, you did.

19 Q. That would have been around the end of May, May 22nd?  
20 Does that sound about right?

21 A. That's about right.

22 Q. So in order to talk to you, we obtained a waiver from  
23 Mr. Ivers that would have allowed you and Ms. Rondoni  
24 Tavernier to tell us what was discussed during the  
25 February 27th phone call. Do you remember receiving this



FRIEDEMANN - CROSS (Resumed)

1 waiver?

2 A. I remember you sending me a waiver.

3 Q. Okay. And that's what it would have allowed you to do,  
4 to talk to us about what happened during that phone call,  
5 correct?

6 A. I didn't look at the wording closely to see if I agreed  
7 that it would have permitted that conversation. We -- I  
8 chose not to speak to, as you know, to you.

9 Q. Yes. So let's talk about that. So you initially agreed  
10 by email to have an interview with Mr. Scott and myself and  
11 our investigator, correct?

12 A. Yes. And then I changed my mind.

13 Q. All right. So we actually scheduled the interview.

14 A. Yes.

15 Q. And then you cancelled the day of.

16 A. Yes.

17 Q. And you've refused to let us interview you ever since.

18 A. Correct.

19 Q. And then -- so we already discussed that your notes were  
20 disclosed to the government sometime in early August. You  
21 can't remember exactly when, though, right?

22 A. Right.

23 Q. Your notes were not disclosed to us until August 16th.  
24 Does that sound about right?

25 A. I don't know the process, Mr. Kelley, but if you are

—FRIEDEMANN - CROSS (Resumed)—

1       telling me that's when you got them, I believe that would be  
2       true.

3       Q.   After the government had already received your notes.

4       A.   I don't know.

5       Q.   Okay.  Let's talk about your notes.  These are your  
6       notes from the February 27th phone call, the second page.  I  
7       will provide you with a copy, so you can look at them.

8       A.   Thank you.

9       Q.   So let's look at the first line here.  These are the  
10       notes that you wrote down verbatim while Mr. Ivers was  
11       speaking on February 27th.

12       A.   The things that are in quotations were verbatim.

13       Q.   So there are a few portions, say, you know, here, things  
14       that are in quotes, things that are not in quotes.  Anything  
15       that's in quotes is verbatim what Mr. Ivers said.

16       A.   Yes, anything in quotes is verbatim what Mr. Ivers said.  
17       The portions that are not in quotes are not necessarily  
18       verbatim.

19       Q.   Okay.  To the best of your memory, this is what he said?

20       A.   Yes.

21       Q.   Let's go over the first line.  It says, "This fucking  
22       judge stole my life from me."

23       A.   Yes.

24       Q.   Stole is past tense.

25       A.   Yes.

—FRIEDEMANN - CROSS (Resumed)—

1 Q. So literally it means he's referring to something that  
2 happened in the past.

3 MR. RANK: Objection. Cumulative.

4 THE COURT: Sustained.

5 BY MR. KELLEY:

6 Q. You knew that his friend Mr. Tallman had died and left a  
7 hundred thousand dollars to him.

8 A. I understood that was what the first trial was about.

9 Q. And you knew that that lawsuit meant a lot to Mr. Ivers,  
10 didn't it?

11 A. That was clear to me from our conversation.

12 Q. And by dismissing the lawsuit, he believed the judge  
13 took that away from him.

14 A. Through the words he used were that "fucking judge stole  
15 my life from me."

16 Q. Okay. About what the judge had done in the past?

17 A. About Judge Wright's ruling in the trial.

18 Q. In the past?

19 A. Yes, it was the past at that point.

20 Q. Let's go over the next line. "I had overwhelming  
21 evidence." Again, past tense, correct?

22 A. It's past tense.

23 Q. Mr. Ivers believed he had a strong case against the  
24 insurance company in that first trial with Judge Wright,  
25 correct?

—FRIEDEMANN - CROSS (Resumed)—

1 A. That's what he conveyed.

2 Q. Let's go over this third line here. "Didn't read the  
3 fine print and missed the 30 days to seek a new trial." So  
4 again this refers to some past event.

5 A. Yes.

6 Q. Mr. Ivers admitted that he missed a 30-day deadline to  
7 file a motion for a new trial in the past.

8 A. Yes.

9 Q. And then he says -- you have got it here, so "and" is  
10 not in quotes, but "she is lucky" in quotes -- "She is  
11 lucky. I was going to throw some chairs." That is also  
12 past tense, correct?

13 A. Yes.

14 Q. So you knew that Judge Wright had denied him a motion  
15 for a new trial. Was that clear to you?

16 A. I wasn't -- I guess I don't know if he brought one and  
17 it was late or if he just missed the deadline. I'm not  
18 sure.

19 Q. But it seemed like he did not get this motion hearing on  
20 a new trial, right?

21 A. Correct.

22 Q. Okay. So consequently there was never a hearing in the  
23 first place.

24 A. Yes.

25 Q. Okay. And what he is saying here is if there had been a

—FRIEDEMANN - CROSS (Resumed)—

1 hearing, that actually never occurred, he would have thrown  
2 some chairs.

3 A. And that was my understanding.

4 Q. Okay. But that hearing never occurred.

5 A. Correct.

6 Q. No chairs were thrown.

7 A. Correct.

8 Q. The last statement. "You don't know the 50 different  
9 ways I planned to kill her." This is also past tense, isn't  
10 it?

11 A. I wrote it in past tense. Given my -- how difficult it  
12 is to discern whether someone is speaking in present or past  
13 tense in that phrase, I can't say with confidence which  
14 tense Mr. Ivers used.

15 Q. You wrote down planned in past tense. That is  
16 consistent with the verbiage in every single other thing you  
17 wrote down. They are all past tense, aren't they?

18 A. They are all past tense.

19 Q. Referring to things that happened in the past.

20 A. They are all written in past tense, yes.

21 Q. Last question, a few questions here. So you practice  
22 intellectual property law. You have been doing that for  
23 23 years?

24 A. Yes.

25 Q. And you had -- you have had some big cases over the

FRIEDEMANN - CROSS (Resumed)

1 years.

2 A. I have had big and small cases.

3 Q. Currently, you have a really big case. The Prince  
4 estate case, right?

5 A. Yes.

6 Q. Okay. And you have, in fact, you have one case that's  
7 in state court in Carver County that Fredrikson & Byron is  
8 representing the Prince estate in?

9 A. In the probate matter for the Prince estate my firm  
10 represents the personal representative. I am not involved  
11 in that aspect of the Prince estate, but where there is a  
12 need to enforce the intellectual property rights,  
13 trademarks, the Prince mark, the symbol, the love symbol, or  
14 the copyrights and the music, that's what I do.

15 Q. We're talking about the purple Prince symbol?

16 A. Exactly.

17 Q. It's a pretty cool case?

18 A. It is a privilege to work on it.

19 Q. So there are also two federal cases, correct?

20 A. There are more than two.

21 Q. More than two? One of those federal lawsuits where  
22 Fredrikson & Byron is representing the Prince estate happens  
23 to be in front of Judge Wilhelmina Wright; isn't that  
24 correct?

25 A. Yes.

—FRIEDEMANN - CROSS (Resumed)—

1 Q. And you are the lead attorney on that case?

2 A. Yes.

3 Q. There are a number of Fredrikson attorneys on that case?

4 A. Correct.

5 Q. Including Ms. Rondoni Tavernier?

6 A. Yes.

7 Q. Okay. So this federal lawsuit in front of Judge Wright  
8 that we are talking about was in federal court before Judge  
9 Wright in 2017, correct?

10 A. Yes.

11 Q. On February 27th, 2018, the case in front of Judge  
12 Wright had already been going on for a while, right?

13 A. Yes, it had.

14 Q. Okay. So when you had the phone call with Mr. Ivers,  
15 you had also had this big case in front of Judge Wright?

16 A. Yes.

17 Q. Last question. Mr. Rank went into your background. I  
18 wanted to get into this earlier, but early in your career  
19 you clerked for a federal judge?

20 A. I did.

21 Q. And that was now Chief Judge Tunheim?

22 A. Correct.

23 Q. And we heard from -- excuse me. And that was, what,  
24 1998?

25 A. It was 1998.

FRIEDEMANN - REDIRECT

1 Q. Okay. How long did you clerk for him?

2 A. Typically, clerkships are two years. Mine was six  
3 months. I filled in for someone else for that period of  
4 time.

5 Q. You still friends with him now?

6 A. With Chief Judge Tunheim?

7 Q. Judge Tunheim.

8 A. Yes.

9 Q. So you guys have been friends for over 20 years?

10 A. Well, friends.

11 Q. Former boss?

12 A. We get warm greetings when we see each other. We don't  
13 go to each other's homes.

14 MR. KELLEY: One second, Your Honor. No further  
15 questions, Your Honor.

16 THE COURT: All right. Mr. Rank, did you have any  
17 redirect?

18 MR. RANK: I am going to say briefly, Your Honor,  
19 and try to be brief.

20 THE COURT: All right.

21 REDIRECT EXAMINATION

22 BY MR. RANK:

23 Q. Ms. Friedemann, yesterday Mr. Kelley asked you about the  
24 time it took for you after the phone call to report the call  
25 to Ms. Sanders. How were you feeling during that time



FRIEDEMANN - REDIRECT

1 period?

2 A. I was feeling -- well, my stomach was just in knots  
3 during that period of time, worrying about the whole  
4 situation and what to do. And the reason for that one-day  
5 delay was simply the amount of time it took for me to  
6 consult with firm counsel.

7 Q. And that's because those rules that we talked about  
8 yesterday about confidentiality you take pretty seriously?

9 A. Yes I, do.

10 Q. It is a big deal to go outside of that?

11 A. It's a very big deal.

12 Q. Did you know, Ms. Friedemann -- you talked to Mr. Ivers  
13 on the telephone on the 27th, correct?

14 A. Yes.

15 Q. And he was calling from a number in North Dakota; is  
16 that correct?

17 A. That's my understanding.

18 Q. And so at least with respect to where he was physically  
19 in North Dakota, did that give you some comfort in waiting  
20 sometime?

21 A. It did.

22 Q. Now, Ms. Friedemann, Mr. Kelley asked you a question  
23 about you declining to speak with Mr. Kelley and Mr. Scott.  
24 Do you recall that?

25 A. Yes.

FRIEDEMANN - REDIRECT

1 Q. But Mr. Kelley actually had a pretty extensive  
2 opportunity to speak with you before this trial, correct, on  
3 June 18th of 2018?

4 A. Indeed, yes.

5 Q. In fact, not just to speak with you, but you were  
6 testifying in a pretrial hearing?

7 A. Yes.

8 Q. He actually asked you a bunch of questions?

9 A. Yes.

10 Q. In fact, he could have asked you anything he wanted?

11 A. True.

12 MR. KELLEY: Objection, Your Honor.

13 THE COURT: On the basis of what, counsel? I need  
14 a reason you are objecting.

15 MR. KELLEY: It misstates the reason for the  
16 June 18th hearing and the context of it.

17 THE COURT: Well, the only thing that's in the  
18 question is he asked her if she was testifying in a pretrial  
19 hearing. What is the --

20 MR. KELLEY: I do not believe that was the  
21 question, Your Honor.

22 THE COURT: Well, that's the question I have. He  
23 follows up with, In fact, could he have asked you anything  
24 he wanted? Is that what your objection goes to?

25 MR. KELLEY: Yes, Your Honor.

FRIEDEMANN - REDIRECT

1 THE COURT: Okay.

2 MR. KELLEY: So that misstates the context of the  
3 June 18th hearing. We in fact could not ask whatever we  
4 wanted.

5 THE COURT: Okay. That's sustained.

6 Do you want to rephrase your question?

7 BY MR. RANK:

8 Q. Ms. Friedemann, was Mr. Kelley limited in any of the  
9 questions that he asked you at that hearing?

10 A. I answered --

11 MR. KELLEY: Objection, Your Honor. Same  
12 objection.

13 THE COURT: Overruled.

14 THE WITNESS: I answered all the questions he  
15 asked at that hearing.

16 BY MR. RANK:

17 Q. And then, lastly, I'm going to ask you about the notes  
18 that Mr. Kelley was asking you about. This is Exhibit 15.  
19 And Mr. Kelley was asking you about some of the -- a lot of  
20 verb tense questions.

21 A. Yes.

22 Q. Do you recall those questions?

23 A. I do.

24 Q. Okay. He asked you about the tense of the various  
25 things that you wrote down. And he asked you whether, the

FRIEDEMANN - REDIRECT

1 first one, whether this F'g "judge stole my life," was that  
2 written in the past tense. And you said yes, it was written  
3 in the past tense, correct?

4 A. Yes.

5 Q. Did Mr. Ivers still appear to believe this statement  
6 when he was screaming it on the phone call with you?

7 A. Very much so.

8 MR. KELLEY: Objection. Calls for a conclusion as  
9 to what Mr. Ivers was thinking.

10 THE COURT: Overruled.

11 You may answer.

12 THE WITNESS: This still appeared to be very real  
13 and immediate for him.

14 BY MR. RANK:

15 Q. Very present?

16 A. Very present.

17 Q. How about the next one? Did he still appear to believe  
18 that he had overwhelming evidence?

19 A. Yes.

20 Q. And that's why he was so angry?

21 A. Correct.

22 Q. Did he still appear to believe that the judge "stacked  
23 the deck" against him?

24 A. Yes.

25 Q. And then lastly, Ms. Friedemann, you got asked a bunch

FRIEDEMANN - REDIRECT

1 of different times about this statement; is that correct?

2 A. Yes, the ultimate threat.

3 Q. And I just want to confirm you wrote this down verbatim  
4 at the time. And does this reflect your best memory of what  
5 was said?

6 A. It does.

7 MR. RANK: No further questions. Thank you.

8 THE COURT: Okay. Any recross, counsel?

9 MR. KELLEY: No, Your Honor. Thank you.

10 THE COURT: You may be excused.

11 Do you want to call your next witness?

12 MR. RANK: Thank you, Your Honor. The United  
13 States calls Anne Rondoni Tavernier.

14 THE COURT: Ms. Rondoni Tavernier, would you  
15 please face the ladies and gentlemen and raise your right  
16 hand to be sworn, please?

17 ANNE RONDONI TAVERNIER,  
18 called on behalf of the government, was duly sworn, was  
19 examined and testified as follows:

20 THE WITNESS: I do.

21 THE COURT: Please be seated.

22 MR. RANK: May I proceed, Your Honor?

23 THE COURT: Yes.

24 MR. RANK: Thank you.

25

—RONDONI TAVERNIER - DIRECT—

DIRECT EXAMINATION

BY MR. RANK:

Q. Good morning, ma'am.

A. Good morning.

Q. Ms. Rondoni Tavernier, would you for the benefit of the court reporter state your full name and then spell your last name for the record?

A. Yes. It's a lot of name. My name is Anne Rondoni Tavernier. First name is spelled A-N-N-E. Last name is two last names, not hyphenated, R-O-N-D-O-N-I, second last name is Tavernier, T-A-V-E-R-N-I-E-R.

Q. Thank you, ma'am. Where do you work?

A. I work at Fredrikson & Byron Law Firm in Minneapolis.

Q. And what do you do at Fredrikson & Byron?

A. I'm an intellectual property litigation attorney.

Q. And intellectual property litigation attorney, does that mean you litigate cases involving intellectual property?

A. Yes. Mostly I work on cases involving copyrights, trademarks and patents and lawsuits that involve them.

Q. And so that means cases that might ultimately go to trial?

A. Yes.

Q. And how long have you been a lawyer?

A. Two years.

Q. Have you worked at Fredrikson & Byron the entire time

—RONDONI TAVERNIER - DIRECT—

1       that you have been a lawyer?

2       A.   Yes.

3       Q.   And as part of your practice, do you also do some pro  
4       bono work?

5       A.   Yes.

6       Q.   And approximately how much of your practice is pro bono  
7       work?

8       A.   I'm not sure percentage wise.  I would say I do at  
9       least, you know, 30 to 50 hours a year so far.

10      Q.   As part of your pro bono practice, have you done some  
11      work with the Pro Se Project?

12      A.   Yes, I have.

13      Q.   Did you have some communication with the defendant in  
14      this case, Robert Ivers, as part of your work with the Pro  
15      Se Project?

16      A.   Yes, I did.

17      Q.   And, in fact, did you have a telephone conversation with  
18      Mr. Ivers on February 27th of this year?

19      A.   Yes.

20      Q.   Can you describe for the jury how it came about that you  
21      had that conversation?  What led up to it?

22      A.   Sure.  Well, as part of the Pro Se Project, I received  
23      an email from Tiffany Sanders indicating that she had a  
24      referral for me to take a look at.  She included some kind  
25      of basic background information about what the referral

—RONDONI TAVERNIER - DIRECT—

1 would involve, including some documentation that was, you  
2 know, involved with what we would potentially be looking at  
3 or consulting on. So I ran a conflicts check based on the  
4 information that she had given me about the identity of the  
5 person that we would potentially be consulting with. I  
6 spoke with my colleague Lora Friedemann to see if she would  
7 assist me with doing that consult and seeing where it would  
8 go. I indicated, after I had spoke with Lora Friedemann, I  
9 indicated to Ms. Sanders that we would agree to consult with  
10 Mr. Ivers. And at that point we had been given contact  
11 information of Mr. Ivers, and I reached out to him to  
12 arrange a time that we could have a more lengthy phone call  
13 to discuss the background of the issue that was being  
14 referred to us, and at that point we set up a phone call,  
15 and that was how that came about.

16 Q. Okay. Very thorough. So in terms of the materials --  
17 the jury has heard some testimony already about this phone  
18 call and some of the things that led up to it. But you said  
19 you got some background materials, some documents from  
20 Ms. Sanders; is that right?

21 A. Yes.

22 Q. Generally speaking, what were those?

23 A. They were all publicly-filed documents relating to the  
24 legal issues that we would be taking a look at, so there  
25 were several complaints and a judicial order.



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1 Q. Did they include documents from the case that you were  
2 going to be talking about as well as a previous case?

3 A. Yes.

4 Q. And what was the previous case?

5 A. The previous case. Mr. Ivers had, I believe, sued an  
6 insurance company to -- or, rather, involving some insurance  
7 policies. And so we had received the complaint and the  
8 order that had followed a trial in that case.

9 Q. Okay. And what was the purpose of getting the materials  
10 from the previous case?

11 A. Ms. Sanders had indicated in her email to me that the  
12 previous case would potentially have some effect on the  
13 advice and consultation that we would be reviewing and  
14 potentially giving to Mr. Ivers.

15 Q. Okay. So it was a previous case that was in front of  
16 Judge Wright. Was the current case that you would be  
17 talking about a case that was in front of Judge Schiltz?

18 A. Magistrate Judge Schultz?

19 Q. Well, it's --

20 A. Yes.

21 Q. Was the Article III judge on it, was that Patrick  
22 Schiltz and the Magistrate Judge David Schultz?

23 A. Yes.

24 Q. So if I ask that in a way that you can't understand what  
25 I am talking about. Was it that case that you were going to

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1 be talking to him about, the case in front of Judge Schiltz?

2 A. Yes.

3 Q. And so you mentioned that Ms. Sanders had indicated that  
4 there was some impact on the present case based on the past  
5 case with Judge Wright?

6 A. That's what she indicated in her email.

7 Q. Okay. And did you review those materials?

8 A. Yes.

9 Q. Did you review those materials for purposes of having a  
10 consultation with Mr. Ivers on the February 27th phone call?

11 A. Yes.

12 Q. And did you then reach some conclusions by looking at  
13 those documents? I won't ask you about the conclusions, but  
14 did you reach those conclusions?

15 A. Yes. I looked at those documents, and I did some  
16 independent research as well.

17 Q. And that was in preparation for the phone call?

18 A. Yes.

19 Q. So on February 27th you set up a phone call. You had  
20 talked to Mr. Ivers the previous day; is that correct?

21 A. Yes, I believe so.

22 Q. And so would that have been February 26th?

23 A. That sounds right.

24 Q. Okay. And did you talk at all about the case when you  
25 talked to Mr. Ivers on the 26th or just was it a logistics

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1 call?

2 A. On the 26th it was just a logistics call, just to set up  
3 when we would be speaking to each other to more fully  
4 discuss the legal issues.

5 Q. Okay. And so does the phone call take place on the  
6 27th?

7 A. Yes.

8 Q. And where are you when the phone call takes place?

9 A. I was in my office.

10 Q. Okay. And was anybody in your office with you?

11 A. Yes. Lora Friedemann was with me. We had the door  
12 closed.

13 Q. And how about -- and where was Mr. Ivers?

14 A. He -- we had just called him. He wasn't physically  
15 present with us. I believe he was in North or South Dakota  
16 at the time. I know that he wasn't in the state.

17 Q. Okay. He was -- he was out of state, and is that why  
18 you were doing a phone consultation rather than an in-person  
19 consultation?

20 A. I presume so, yeah.

21 Q. So what was the purpose of the phone call?

22 A. The purpose of the phone call was to essentially provide  
23 what the Pro Se Project is designed to do, which is give  
24 Mr. Ivers our opinion, our initial, kind of, thoughts on his  
25 case and to indicate whether there was a possibility that we

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1       could potentially move forward with representing him with  
2       regards to that case or if, you know, in our opinion we  
3       wouldn't be moving forward.

4       Q.   Ms. Rondoni Tavernier, your phone number at your office  
5       is what?

6       A.   612-492-7265.

7       Q.   And that's the number you called from?

8       A.   Yes.

9       Q.   Okay. Did you on that phone call begin talking with  
10      Mr. Ivers about the case that he had in front of Judge  
11      Schiltz?

12     A.   Yes, his pending case at that time.

13     Q.   Did you have some discussion about that case?

14     A.   Yes.

15     Q.   Did you have some discussion about the effect of the  
16      decision in Judge Wright's case on the viability of his case  
17      in front of Judge Schiltz?

18     A.   I am not sure whether this goes into privileged  
19      territory or whether we have waived that at this point.

20     Q.   There was -- we have not been able to ask you about this  
21      before, correct?

22     A.   Okay. I don't believe so.

23               MR. RANK: And so, Your Honor, based on the  
24      court's ruling yesterday and the waiver we heard about  
25      yesterday, may Ms. Rondoni Tavernier be able to answer that

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1 question?

2 MR. KELLEY: No objection, except for the  
3 objection that we put on the record about the waiver.

4 THE COURT: She may.

5 MR. RANK: Thank you, Your Honor.

6 BY MR. RANK:

7 Q. Does that give you comfort to answer the question?

8 A. Yes. Yes, we did -- we did discuss the effect of the  
9 prior case on the pending case, yes.

10 Q. And was your conclusion and was the advice that you  
11 provided to Mr. Ivers that there was a negative impact based  
12 on that prior ruling?

13 A. Again, assuming that this is within the parameters of  
14 what we have waived, yes, that we advised that there would  
15 be a negative impact on his pending case based on what had  
16 occurred previously in front of Judge Wright.

17 Q. Okay. Approximately, how much of the phone call was  
18 focused on that issue? And if we could, do you remember how  
19 long the phone call was?

20 A. In total, I would say it was probably around a half  
21 hour.

22 Q. Okay. And of the portion that was talking about the  
23 case in front of Judge Schiltz, approximately how much of  
24 that was that portion?

25 A. I would say it was probably the first third to half we

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1       were discussing that. It was probably mostly me talking and  
2       explaining some legal concepts and our thoughts and how we  
3       had arrived at them. So I would say it was probably the  
4       first 10 to 15 minutes.

5       Q. Okay.

6       A. Maybe 10 to 12.

7       Q. You indicated that you had done some analysis and some  
8       research before the phone call?

9       A. Yes.

10      Q. And then you were explaining to him sort of the process  
11      of your analysis?

12      A. Yes.

13      Q. Which I guess ultimately was the order in the prior case  
14      in front of Judge Wright would have a negative impact on the  
15      viability of his present case? And I think that's covered  
16      under --

17      A. Yes.

18      Q. -- the waiver.

19      A. Yes.

20      Q. And counsel will object if it isn't.

21      A. Okay.

22      Q. Yes.

23      A. Yes, that was the conclusion we had come to.

24      Q. Okay. So at some point in time did Mr. Ivers start  
25      talking about a different case, other than the one that was

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1 in front of Judge Schiltz?

2 A. Yes.

3 Q. And describe what happened.

4 A. As we had kind of -- or, rather, as I had sort of  
5 explained Ms. Friedemann and I's position with regard to his  
6 pending case in front of Judge Schiltz, I would say that the  
7 conversation kind of shifted a little bit. As I was sort of  
8 done explaining our piece, Mr. Ivers began to sort of  
9 discuss a little bit about what had happened previously in  
10 front of Judge Wright. It was kind of an organic shift, I  
11 guess, in the conversation. And at that point he, as we  
12 kind of merged on to that topic, he really began to sort of  
13 focus and fixate on what had happened in front of Judge  
14 Wright and began speaking at length about it.

15 At that point I had made the determination that I  
16 would kind of let him speak, you know, wanting to make sure  
17 that he had felt like his -- like he had been heard, that he  
18 could have a chance to explain, you know, what he thought  
19 had occurred, you know, despite what we had decided from a  
20 legal standpoint, to kind of just have that conversation and  
21 allow him to speak. So I mostly let him speak unhindered.  
22 I didn't interject. And as he spoke, it escalated very  
23 quickly and it kind of became essentially just a rant, an  
24 angry rant based on -- or discussing what had happened in  
25 the case in front of Judge Wright.

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1 Q. Did Mr. Ivers' tone of voice change?

2 A. Yes. It -- he was calm at the beginning of the call;  
3 and then as we kind of merged into this topic, he became  
4 very clearly agitated and angry. He was, you know, speaking  
5 faster and raising his voice to the point where -- and at  
6 one point he was essentially shouting through the phone.

7 Q. And what was the focus of his anger at that point?

8 A. It was primarily focused on Judge Wright on, you know,  
9 the way that he felt he had been treated by her and, you  
10 know, the way that the lawsuit in front of her had  
11 proceeded. It was focused on her.

12 Q. You are speaking right now to me calmly. How were you  
13 feeling at the time that you were listening to this?

14 A. I became increasingly upset as things went along. You  
15 know, at first, at first, you know, I was sort of telling  
16 myself, you know, it's very natural for people to be upset  
17 when they have had, you know, a negative experience with the  
18 judicial system. It is certainly not a surprise that, you  
19 know, some people would feel, if they had had a negative  
20 experience on something that was important to them, that  
21 they would feel upset or, you know, even cheated, perhaps,  
22 but this kind of went beyond what I would say I would  
23 normally expect somebody who had just had a negative  
24 interaction with the judicial system to be like. It became  
25 really distressing to listen to and it -- I, you know, I



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1 started to have a physical reaction. My heart rate was  
2 starting to go and I was sort of needing to remind myself to  
3 just, you know, kind of keep breathing and, you know, let  
4 things kind of unfold as they will.

5 Q. Did you have any communication with Ms. Friedemann  
6 during the time of the ranting portion of the call?

7 A. Not really verbal communication. You know, we were kind  
8 of interacting just facially, I guess. You know, she was  
9 sitting across my desk from me, so we kind of made eye  
10 contact at various times. And, you know, as things  
11 continued, I may have muted the phone at one point when we  
12 had decided, okay, it's time to kind of wrap things up a  
13 little bit, when Mr. Ivers had been speaking for a lengthy  
14 amount of time. So we were kind of just reacting together,  
15 I guess I would say, but not really -- we weren't speaking  
16 to each other.

17 Q. Was Ms. Friedemann doing anything during this call?

18 A. She was taking notes on -- based on what he had said. I  
19 had my notes in front of me for what I was going to say kind  
20 of from that legal standpoint, but she was taking notes on  
21 more of what had transpired during the call, which I wasn't  
22 doing.

23 Q. You had notes on what you were going to say to  
24 Mr. Ivers?

25 A. Yes.

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1 Q. She was taking notes on what was being said during  
2 the --

3 A. Exactly.

4 Q. Okay. Do you recall some of the things that Mr. Ivers  
5 said during that call?

6 A. Yeah, a couple of things stand out. I remember him  
7 saying that -- that Judge Wright was lucky that he didn't  
8 show up to court or that there wasn't another court  
9 appearance for him, because he was going to go in there and  
10 throw chairs.

11 I remember saying that -- him saying that she had  
12 stacked the deck against him and, you know, insinuating that  
13 she had, you know, kind of made sure that he lost.

14 I remember him saying that fucking judge stole my  
15 life from me.

16 And I remember him saying you don't know the 50  
17 different ways I planned or thought of killing her.

18 Q. And so that last statement, was that one of the last  
19 things that he said during the call or was that just the  
20 last thing that you recall in the call?

21 A. I can't say exactly when, you know, things transpired  
22 chronologically. I would say that was toward kind of the  
23 peak of the rant for sure.

24 Q. And did you notice whether Ms. Friedemann was taking  
25 notes during this portion of the call?

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1 A. Yes, she was definitely taking notes during that portion  
2 of the call.

3 Q. Did you think anything about that?

4 A. I was really glad she was taking notes, particularly  
5 when he said -- when he made the statement about 50  
6 different ways to kill her. I remember her and I looking at  
7 each other very pointedly, you know, our eyebrows kind of  
8 raising, and she immediately within two seconds went to  
9 write it down. And my reaction was good, you know, somebody  
10 needs to be taking notes about what's going on here and I'm  
11 clearly not, so.

12 Q. And why was it that you were relieved that she was  
13 taking notes?

14 A. Because I was concerned about what was being said. You  
15 know, as each statement kind of became more pointed and more  
16 upsetting and more, you know, threatening, I thought it was,  
17 you know, my lawyer brain says let's have a record of what's  
18 occurring here.

19 Q. Did you have some concern that you weren't going to be  
20 able to remember it at a later time?

21 A. Yes. Absolutely, especially considering how upset I was  
22 feeling by that point.

23 Q. Ms. Rondoni Tavernier, I'm going to show you up on the  
24 screen what's been admitted into evidence as Government  
25 Exhibit 15. And I'll blow up the first third of that. Can

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1       you see that on the screen?

2       A.   Yes.

3       Q.   And do you recognize the handwriting?

4       A.   Yes.

5       Q.   And whose handwriting does that look like?

6       A.   That's Lora Friedemann's.

7       Q.   You work with Ms. Friedemann pretty routinely at  
8       Fredrikson; is that right?

9       A.   Oh, yes.

10      Q.   And the first statement that's up there, "This" F'g  
11      "judge stole my life," is that something you recall being  
12      said?

13      A.   Yes.

14      Q.   And the next one, "I had overwhelming evidence," is that  
15      something you remember being said?

16      A.   Yes.

17      Q.   And then last on the screen, the "Judge 'stacked the  
18      deck' to make sure I lost this case." Do you remember that?

19      A.   Yes.

20      Q.   And during the time that he was saying this, what was  
21      his level of anger to you?

22      A.   It was kind of ever increasing. It sort of became kind  
23      of a positive feedback loop. You know, every statement kind  
24      of became more animated, I guess, than the next, you know,  
25      louder, faster, just clearly, you know -- even thinking and

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1 talking about it was clearly upsetting him to the point  
2 where it was just escalating.

3 Q. Was he screaming during this portion of the call?

4 A. I don't recall. I just recall that -- yeah, you know,  
5 now I do, yes, yeah, especially that first statement that  
6 she stole his life from him. I remember him yelling that.

7 Q. Now, Ms. Rondoni Tavernier, did he appear to still  
8 believe that she stole his life?

9 A. Yes.

10 Q. Did he appear to still believe that he had overwhelming  
11 evidence?

12 A. Yes.

13 Q. And did he appear to still believe that the judge had  
14 stacked the deck against him?

15 A. Yes.

16 Q. Based on how he was stating it?

17 A. Yes. Absolutely.

18 Q. Then if we move to the next portion, there's another --  
19 some notes on there. Can you read what that says?

20 A. "Didn't read the fine print and missed the 30 days to  
21 seek a new trial and 'she is lucky'. I was 'going to throw  
22 some chairs'."

23 Q. And is that something that you remember him talking  
24 about?

25 A. Yes.

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1 Q. You testified about that a moment ago. Did he appear to  
2 still be angry at the time that he was saying this?

3 A. Absolutely.

4 Q. And then lastly --

5 A. "You don't know the 50 different ways I planned to kill  
6 her."

7 Q. And, again, this is something that you saw Lora writing  
8 down right at the time it was being said?

9 A. Yes. I specifically remember that statement being made,  
10 and I specifically remember us making eye contact and her  
11 immediately going to write it down.

12 Q. Ma'am, again, how are you feeling at this point in time?

13 MR. KELLEY: Objection, Your Honor. Relevance.

14 THE COURT: Sustained.

15 BY MR. RANK:

16 Q. How did you react to this statement?

17 A. I was stunned. You know, up until that point I would  
18 say it was, as I said, it was getting continually more  
19 threatening and continually more distressing to listen to,  
20 but hearing somebody state that they had at least, you know,  
21 conceived of different ways to kill someone was difficult to  
22 hear and so it -- it stunned me.

23 Q. What do you consider this to be?

24 A. A threat.

25 Q. Against who?

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1 A. Judge Wright.

2 Q. And who or what throughout the ranting portion of the  
3 call was the focus of Mr. Ivers' anger?

4 A. Judge Wright.

5 Q. Did you engage with Mr. Ivers after he had said he had  
6 planned to kill Judge Wright?

7 A. I didn't verbally react to his statement, no.

8 Q. How about any of the statements that he was making?

9 A. No. I didn't think it was a good idea to try to  
10 interject.

11 Q. Approximately, how much of the conversation was this  
12 angry, ranting part?

13 A. I would say probably about ten minutes in total,  
14 somewhere around there. Maybe, you know, nine, eleven,  
15 something like that.

16 Q. Okay. And how did the call end?

17 A. We -- when Lora and I decided that it was -- when  
18 Ms. Friedemann and I decided that it was time to kind of  
19 wrap up the call, I tried to steer the conversation back  
20 toward the, you know, legal purpose for the call, the advice  
21 that we had given him, and ensuring that there were no loose  
22 ends as far as that matter was concerned and wrapped up the  
23 call at that point.

24 Q. Did he call back shortly after that call ended?

25 A. He did. He called back possibly even just a couple

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1 minutes later, maybe five minutes, maybe less.

2 Q. What was the content of that call?

3 A. He asked a logistical or legal question about something  
4 having to do with the case in front of Judge Schiltz, which  
5 I answered, and then we hung up. It was a very short call.

6 Q. What did you do after that call ended?

7 A. Well, that afternoon I know, I know Lora and I had a  
8 discussion about the call. We kind of debriefed what had  
9 occurred. And I also -- I think right after the call or  
10 after Lora and I's discussion, one of the two, I sort of  
11 closed my door and just took some time to try to gather  
12 myself.

13 Q. Why?

14 A. It was really upsetting to hear, and, you know, I'm a  
15 newer lawyer, and it was just -- it was just a difficult  
16 conversation to have.

17 Q. Did you discuss reporting the threat to anyone with  
18 Ms. Friedemann?

19 A. Yes. We discussed whether or not we should disclose the  
20 threat that had been made. And we discussed that Lora  
21 Friedemann would take it to -- would take the issue of  
22 whether or not we should disclose it to our law firm's  
23 internal counsel to discuss whether there would be any legal  
24 or ethical issues that we needed to make sure were observed,  
25 if we decided to disclose or whether we should even



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1 disclose.

2 Q. Did you feel that that threat should be disclosed?

3 A. I was concerned that -- that action would be taken based  
4 on how I was feeling and the statements that had been made  
5 at the time. So, you know, I can't really say whether, you  
6 know, legally -- I wasn't in the conversation with Lora  
7 Friedemann and our internal counsel wherein they discussed  
8 the legal and ethical issues, so I can't really say from  
9 that perspective, but personally I felt good that Lora was  
10 pursuing possibly disclosing it.

11 Q. So setting aside the legal/ethical disclosure issues,  
12 did you think it should be reported?

13 A. Yes.

14 Q. After you said you went back to your office to kind of  
15 take a couple hours to regain your composure, what were you  
16 thinking about?

17 MR. KELLEY: Objection. Your Honor, the relevant  
18 -- irrelevance.

19 MR. RANK: Your Honor, effect on the listener is  
20 one of the factors that is in the jury instructions  
21 regarding a threat case.

22 THE COURT: Overruled. You can answer.

23 THE WITNESS: I'm sorry. Could you repeat the  
24 question?

25

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1 BY MR. RANK:

2 Q. Sure. What were you thinking about when you were in  
3 your office with the door closed trying to regain your  
4 composure?

5 A. I was thinking about a lot of different things. I was  
6 thinking that I was glad that our office building had  
7 recently increased their security measures.

8 MR. KELLEY: Objection, Your Honor. Relevance  
9 again. Move to strike her --

10 THE COURT: Overruled.

11 THE WITNESS: I was thinking I was glad that we --  
12 I was glad that I had asked Lora Friedemann to be on the  
13 call with me so that I didn't have that discussion alone. I  
14 was glad that the discussion was over the phone. And I  
15 remember being -- being -- thinking about the fact that he  
16 was not in the state and, you know, wondering if he would  
17 ever possibly return to Minnesota and to -- I also remember  
18 thinking about -- I have a family member, who is also a  
19 lawyer, who had discussed --

20 MR. KELLEY: Objection. Relevance, Your Honor.

21 THE COURT: Sustained.

22 BY MR. RANK:

23 Q. You had started, when I first asked you, you started  
24 talking about being happy that your office had upgraded  
25 security; is that right?

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1 A. Yes.

2 Q. Okay. Did you have any concerns about your own safety?

3 MR. KELLEY: Objection, Your Honor. Relevance.

4 THE COURT: Well, Mr. Kelley, if you can tell me,  
5 I think the instruction talks about effect on the listener.  
6 That's the basis for my ruling. So unless you can give me  
7 some reason why that's wrong -- or if you want to have a  
8 side bar about it, we can do that.

9 MR. KELLEY: I'll withdraw my objection, Your  
10 Honor, for now.

11 THE WITNESS: Sorry. Could you --

12 THE COURT: Okay. Counsel -- I'm sorry. Go  
13 ahead.

14 BY MR. RANK:

15 Q. Did you have any concerns for your own safety?

16 A. Yes.

17 Q. And what were those based on?

18 A. It was based on the fact that I had just, you know, had  
19 this consult with somebody who is clearly very angry,  
20 clearly angry enough to make threats and that he, you know,  
21 knew how to get in contact with me and knew where I was.

22 Q. Ms. Rondoni Tavernier, did Mr. Ivers ever call you back  
23 to say he was sorry about the call?

24 A. No.

25 Q. Did he ever call you back to tell you that he really

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1 wasn't planning on killing a judge?

2 A. No.

3 Q. Other than the phone call on February 27th, 2018, did  
4 you ever speak with Mr. Ivers again?

5 A. No.

6 Q. Thank you, ma'am.

7 MR. RANK: No further questions.

8 THE COURT: If you want to stretch before there is  
9 any cross-examination, you may do so.

10 (Short break taken.)

11 THE COURT: Mr. Kelley, you can proceed.

12 MR. KELLEY: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. KELLEY:

15 Q. Good morning.

16 A. Good morning.

17 Q. So I'm going to jump right into Mr. Ivers' second  
18 lawsuit. This is the one that the Pro Se Project referred  
19 Mr. Ivers for representation about, right?

20 A. Yes.

21 Q. Okay. And this is in front of Magistrate Schultz?

22 A. Yes.

23 Q. Okay. So Mr. Rank didn't go through the facts. It's  
24 been a while. So I'm going to go through them with you.

25 You tell me what you remember. So the case involved a

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1 friend of Mr. Ivers who took out a hundred thousand dollars  
2 in life insurance policies with Mr. Ivers as a beneficiary,  
3 correct?

4 A. Yes.

5 Q. And then that friend died leaving Mr. Ivers the hundred  
6 thousand dollars, correct? Is that your understanding of  
7 the --

8 A. My understanding was that he was the beneficiary.

9 Q. And then the insurance company refused to pay out?

10 A. That's my understanding.

11 Q. Mr. Ivers sued in state court?

12 A. I don't recall if it was state court, specifically, but  
13 I know that he sued.

14 Q. Okay. But it wasn't originally in federal court, was  
15 it?

16 A. It may have been removed to federal court. I don't  
17 specifically recall that initial procedural --

18 Q. But you did -- you reviewed the case before you talked  
19 to Mr. Ivers, correct?

20 A. Yes. I -- yeah. It's entirely possible that it was  
21 removed. I just don't recall specifically.

22 Q. Okay. So you don't recall that it was removed from  
23 state court to federal court?

24 A. That sounds like it could be right.

25 Q. Okay.

—RONDONI TAVERNIER - CROSS—

1 A. That wasn't really the basis for my evaluation.

2 Q. Right.

3 A. Whether it was removed was not something I was  
4 particularly concerned with.

5 Q. Part of the history of the case, though?

6 A. Yeah, yeah.

7 Q. And Mr. Ivers was pro se, as we call it, so he's  
8 representing himself?

9 A. In the previous case or in the current case?

10 Q. Current case that you were helping him with.

11 A. Yes.

12 Q. Okay. You also reviewed the first case --

13 A. Yes.

14 Q. -- in front of Judge Wright?

15 A. Yes.

16 Q. And in that case Mr. Ivers had asked for a jury trial.

17 A. I don't recall specifically whether he asked for a jury  
18 trial.

19 Q. Do you recall whether or not Judge Wright denied him a  
20 jury trial?

21 A. I recall Mr. Ivers making statements about something  
22 close to that, but I think that would be privileged, whether  
23 or not I could --

24 Q. I think the judge has already instructed you that you  
25 can answer our questions.

—RONDONI TAVERNIER - CROSS—

1 A. Okay. I just want to make sure.

2 Q. Yes.

3 A. I recall Mr. Ivers saying that he felt that he had been  
4 denied a jury trial.

5 Q. Okay. But you don't remember whether or not he asked  
6 for a jury trial?

7 A. No.

8 Q. Or demanded one?

9 A. The documentation that I received from Ms. Sanders  
10 included the original complaint, the -- and Judge Wright's  
11 findings of fact and conclusions of law and the docket, I  
12 believe.

13 Q. Okay. So you --

14 A. I did not review every single filing in the --

15 Q. But you did have the docket?

16 A. I did have the docket.

17 Q. So the docket would list all the events that happened in  
18 the case?

19 A. Yes.

20 Q. So if Mr. Ivers moved for a new trial, that would be in  
21 the docket, correct?

22 A. It would be in the docket, but, again, it wasn't  
23 something that was germane to the legal analysis that I was  
24 asked to do.

25 Q. Okay. You didn't review the docket that closely then?

—RONDONI TAVERNIER - CROSS—

1 A. I did review the docket. It's just that particular  
2 piece, whether or not he had requested a jury trial,  
3 wasn't -- didn't have a bearing on what I was going to be  
4 looking at for the purposes of our consultation.

5 Q. Mr. Ivers talked about during -- I'm jumping ahead to  
6 the February 27th phone call.

7 A. Okay.

8 Q. But he talked about being denied a jury trial during  
9 that phone call, right?

10 A. He did.

11 Q. So back to the first case, there's a bench trial on  
12 January 2017 in front of Judge Wright. Do you remember  
13 that?

14 A. Yes. That sounds correct.

15 Q. And then the judge issues an order almost six months  
16 later in June dismissing the case.

17 A. Yes.

18 Q. Okay.

19 A. I don't recall whether it was June specifically, but I  
20 saw the order, I read it, dismissing the case.

21 Q. Okay. End of June? That could be end of June?

22 A. Yeah, that could be, correct.

23 Q. After that, Mr. Ivers asked for a new trial. Do you  
24 remember that?

25 A. Yes. Well, again, I remember Mr. Ivers and I discussing



—RONDONI TAVERNIER - CROSS—

1       that he -- that there was an issue of a new trial, in terms  
2       of whether he had asked for that within the time allotted I  
3       think was the subject of discussion.

4       Q.   Okay.  So you talked about how he missed the deadline to  
5       file a motion for a new trial?

6       A.   Yes.

7       Q.   And then Judge Wright denied him a hearing on a motion  
8       for a new trial.  Do you remember that?

9       A.   That sounds correct.

10      Q.   Okay.  So that takes us to the fall of 2017.  He filed  
11      the second lawsuit that is assigned to Magistrate Schultz in  
12      November of 2017.

13      A.   Yes.

14      Q.   So you reviewed the first case with Judge Wright and the  
15      second case with Magistrate Schultz?

16      A.   Yes.  And the second case included both that initial  
17      complaint in the fall, and then I believe he also submitted  
18      an amended one in January before we had had our discussion.  
19      So there were two complaints that I had reviewed with regard  
20      to the current pending case.

21      Q.   Okay.  So you are familiar with both cases then?

22      A.   Yes.

23      Q.   The second case in front of Magistrate Schultz was  
24      virtually identical to the first case with Judge Wright,  
25      correct?

—RONDONI TAVERNIER - CROSS—

1 A. Identical in what way?

2 Q. The facts, the circumstances. It was basically the same  
3 case again, correct?

4 A. The underlying factual basis was the same.

5 Q. But the claims were different.

6 A. The claims were different.

7 Q. Okay. So the first time it was a breach of contract  
8 claim?

9 A. Yes. That's correct.

10 Q. The second time it was an ADA claim?

11 A. A disability claim, yes.

12 Q. Okay. So Americans with Disabilities Act?

13 A. Yes.

14 Q. His friend George Tallman that died was disabled?

15 A. I believe that was what he was claiming, yes.

16 Q. So that's -- he files this lawsuit November 2017. Then  
17 you receive an email from Tiffany Sanders end of February?

18 A. Yes, end of February. Around February 20th, 22nd,  
19 something like that.

20 Q. Around that time frame. And Tiffany Sanders is the one  
21 who says here's Mr. Ivers' case, I want you to take a look  
22 at it?

23 A. Yeah. She said we have a referral for you, please let  
24 us know if this is something you can take on.

25 Q. So you agreed to take on Mr. Ivers?

—RONDONI TAVERNIER - CROSS—

1 A. I looked at it. I looked at what she had sent us. I  
2 read her email. I spoke with Lora Friedemann, and we agreed  
3 to do an initial consultation with Mr. Ivers.

4 Q. And during that initial consultation Mr. Ivers would  
5 have been a prospective client? Is that the term that would  
6 apply to him?

7 A. I believe so.

8 Q. So you have to talk to Mr. Ivers and give him your legal  
9 opinion about this new case in front of Magistrate Schultz.  
10 That's your job at this point?

11 A. That was what we agreed to do, was take a look at what  
12 had been given to us and provide our initial thoughts and  
13 advise him as to whether we would continue -- whether we  
14 would represent him with the case or not.

15 Q. And what you just testified to in the government's  
16 questioning is that you were going to tell Mr. Ivers he was  
17 going to lose that second case, right?

18 A. We were going to tell Mr. Ivers that we did not believe  
19 that we could go forward with representing him because we  
20 didn't believe that there was a basis to do so for us as  
21 attorneys.

22 Q. The basis being that the case was --

23 A. That there was a viable claim.

24 Q. "Viable claim" means the case was a loser, in lay terms?

25 A. In lay terms, it meant that we didn't think that he had

—RONDONI TAVERNIER - CROSS—

1       stated a claim that we could in good faith come in front of  
2       a court and -- and bring.

3       Q.   Okay.  So you are scheduling a phone call to break that  
4       bad news to Mr. Ivers?

5       A.   We were scheduling a phone call to give him our opinion.

6       Q.   Okay.  So you testified that you called Mr. Ivers on  
7       February 26th, you believe, to set up --

8       A.   Yeah, it was around there, yeah, 26th.

9       Q.   And you knew at this time that he lived in North Dakota,  
10       right?  You had been sent that information from Tiffany  
11       Sanders.

12       A.   Yes, we had been sent his address and his phone number.  
13       So, yeah, North Dakota sounds right.  I knew it was one of  
14       the Dakotas.

15       Q.   Okay.  West Fargo, North Dakota?  That sounds about  
16       right?

17       A.   Yes, that sounds correct.

18       Q.   Okay.  That's about four hours from the Twin Cities?

19       A.   Maybe.  I haven't looked how long that is.

20       Q.   Haven't been to Fargo in awhile?

21       A.   I haven't.  I've never been to Fargo.

22       Q.   Neither have I.  All right.  So you scheduled this phone  
23       call for the morning of February 27th.

24       A.   Mm-hmm.  Yes.

25       Q.   And the plan was for you to call him.

—RONDONI TAVERNIER - CROSS—

1 A. Yes, the plan is that I would call him.

2 Q. Okay. Let's jump to February 27th.

3 A. Yes.

4 Q. You're in your office. Ms. Friedemann is there to  
5 supervise.

6 A. She was there to join me on the call. I mean, she is my  
7 superior, so she's always supervising me, you know, but she  
8 was joining me in my opinion as well.

9 Q. Okay. But she is sitting back taking notes and --

10 A. Yes.

11 Q. -- you are doing the talking?

12 A. I was primarily conducting the call.

13 Q. So you call Mr. Ivers. What time was that?

14 A. I think it was around 11 in the morning, 10:30, mid  
15 morning.

16 Q. 10:30, 11?

17 A. Something like that.

18 Q. Some time in the morning?

19 A. Yes.

20 Q. Now let's talk about what you guys discussed. So you  
21 reviewed the complaint that was in front of Judge Wright and  
22 the complaint and amended complaint that were in front of  
23 Magistrate Schultz. You are reviewing both cases with  
24 Mr. Ivers.

25 A. We discussed both cases with Mr. Ivers, yes.

—RONDONI TAVERNIER - CROSS—

1 Q. And then you also reviewed the June 29th, 2017, order  
2 from Judge Wright dismissing his first lawsuit.

3 A. Yes, I had reviewed it. I don't know that we  
4 necessarily walked through the order with him, you know,  
5 point by point.

6 Q. But you discussed it.

7 A. We discussed it, yeah.

8 Q. What does "res judicata" mean?

9 A. Res judicata is a legal principle that says basically  
10 you get one shot at a case. So if it's a -- if you are  
11 bringing a case and you have a final decision on the merits  
12 of that case, and "on the merits" is kind of a legal jargon  
13 meaning, you know, you arrived at the final conclusion of  
14 the case based on the substance of the claims, that that was  
15 your decision for those claims as related to these facts so  
16 that you couldn't bring -- so that you're barred essentially  
17 from bringing a subsequent claim based on the exact same  
18 facts that you have already gotten a final decision on.

19 Q. Okay. And that's what had happened here with Mr. Ivers,  
20 in your opinion?

21 A. Again, yes, assuming that this is all waived --

22 Q. It is.

23 A. Yeah. Yes, my opinion was that the effect of Judge  
24 Wright's order was that the two had been -- his case in  
25 front of Judge Wright and the case that he was bringing in

—RONDONI TAVERNIER - CROSS—

1 front of Magistrate Judge Schultz was based on the exact  
2 same set of factual circumstances. He had already litigated  
3 through a bench trial with Judge Wright to a final decision  
4 on the merits, based on those facts, so that his subsequent  
5 case that was based on the same facts, even though it was a  
6 different claim, that he would be barred from bringing it in  
7 front of the court and that it would be dismissed.

8 Q. And you explained this to Mr. Ivers.

9 A. Yes. I tried very hard to make it easily understandable  
10 and not use the words "res judicata" too much, but to try to  
11 explain that that's -- that that's what would very likely  
12 occur.

13 Q. It's a very dense term. It would be hard for a  
14 layperson, even a lawyer to understand, right?

15 A. Yes. It's one of those terms you learn first year of  
16 law school and then sort of sticks in your head.

17 Q. But if you are explaining res judicata in lay terms, you  
18 are discussing the first case in front of Judge Wright a  
19 fair amount, correct?

20 A. Yeah. I mean, I -- yes. You know, when I was  
21 discussing res judicata, I was discussing the fact that, you  
22 know, the two cases were factually similar and that he had  
23 gotten a final decision on that first case.

24 Q. You testified that there was an organic shift and  
25 Mr. Ivers started talking about the first lawsuit in front

—RONDONI TAVERNIER - CROSS—

1 of Judge Wright.

2 A. Yeah. I think, you know, the conversation kind of  
3 turned there as we were sort of -- as it was becoming clear  
4 that, you know, he kind of understood our position with  
5 respect to, you know, the case, the conversation naturally  
6 turned toward that previous case more and more. And as I  
7 testified to, I wanted to let him speak and sort of say his  
8 peace.

9 Q. Based on your discussion of res judicata and your legal  
10 opinion, it was logical for him to be discussing the first  
11 case with Judge Wright.

12 A. Yes.

13 Q. So you testified that he started or became agitated,  
14 rather.

15 A. Yes.

16 Q. While he was talking about this first lawsuit and Judge  
17 Wright.

18 A. Yes.

19 Q. He raised his voice.

20 A. Yes.

21 Q. Used some profanity.

22 A. Yes.

23 Q. A lot of profanity?

24 A. Yes.

25 Q. More than your regular clients?



—RONDONI TAVERNIER - CROSS—

1 A. Far more than my regular intellectual property clients,  
2 yes.

3 Q. And then he talked about his relationship with George  
4 Tallman.

5 A. Yes, he did.

6 Q. George Tallman is the man, his friend, who had died with  
7 the insurance policy.

8 A. Yes.

9 Q. And did you understand that was an emotional subject for  
10 him?

11 A. Yes.

12 Q. Okay. He's angry, but he's emotional too about his  
13 friend when he's talking about him.

14 A. Yeah. I -- you know, the discussion about his friend  
15 was a very small -- I mean, I think it got mentioned, but we  
16 weren't talking about it in depth. So, yes, I mean, I could  
17 tell he was upset about all of it, but in terms of, you  
18 know, his particular emotion with regard to his friend, I  
19 wouldn't say it was any different from anything else that  
20 had been -- that he was upset about at that time.

21 Q. He described to you how he was down on his luck?

22 A. Yes.

23 Q. And he was broke?

24 A. Yes.

25 Q. Broke, living in West Fargo?

—RONDONI TAVERNIER - CROSS—

1 A. Yes.

2 Q. And he moved in with his sister in West Fargo.

3 A. I believe he said that, yes.

4 Q. His older sister.

5 A. Yes. Sure. His sister.

6 Q. When he was talking about the first case, he talked  
7 about his first attorney that was on the first case and part  
8 way through the second case, right?

9 A. Yes, I remember him mentioning his first attorney.

10 Q. He had an attorney at some point --

11 A. Yes.

12 Q. -- in the insurance case?

13 A. Yes.

14 Q. And his attorney quit after the case was removed to  
15 federal court. Does that sound right?

16 A. Possibly. I know his attorney quit at some point. I  
17 can't say specifically when.

18 Q. And Mr. Ivers told you he wasn't happy with his first  
19 attorney.

20 A. I do recall that, yes.

21 Q. And he told you he wanted a jury trial?

22 A. He told me that he had felt cheated out of a jury trial.

23 Q. He was upset when the judge wouldn't give him a jury  
24 trial.

25 A. I guess so, yes, but my understanding of the case was

—RONDONI TAVERNIER - CROSS—

1       that I believe he had --

2       Q. I don't think there was a question before you. I'll  
3       move on here in one second. And we already talked about  
4       that he tried to move for a new trial?

5       A. I believe so, but I believe he had --

6       Q. Okay. So --

7       A. -- left his time.

8       Q. At this point he's talking about how he missed that  
9       deadline.

10      A. Yes.

11      Q. And he was unhappy about it?

12      A. Yes.

13      Q. Might have -- if there was a hearing on it, he might  
14      have thrown some chairs.

15      A. He said that if that -- he said that Judge Wright was  
16      lucky that there wasn't a hearing because he was going to go  
17      in and throw some chairs.

18      Q. But that hearing never actually happened, right?

19      A. No, not to my knowledge.

20      Q. So when he said that, he's talking about something that  
21      couldn't possibly happen, right?

22      A. Not at that time, but it was clear that he had thought  
23      about it and --

24      Q. Let me rephrase it. Could he throw chairs at a hearing  
25      in the past that never happened?

—RONDONI TAVERNIER - CROSS—

1 MR. RANK: Objection. Argumentative.

2 THE COURT: Sustained.

3 BY MR. KELLEY:

4 Q. He also told you that he couldn't understand how he lost  
5 the first case.

6 A. I don't recall him using those specific words. I mean,  
7 it was clear to me that he didn't believe that he should  
8 have lost the first case.

9 Q. And he's not an attorney. He doesn't really understand  
10 things like res judicata.

11 A. No. Yes.

12 Q. So part of your job on this phone call was to explain  
13 that to him.

14 A. Yes.

15 Q. I believe you testified that you were not taking notes  
16 while Mr. Ivers was talking.

17 A. I was not taking notes of what was occurring during the  
18 call. I had my notes about what I wanted to cover with him,  
19 and so I was kind of making notes maybe about that, but I  
20 was not like -- I was not taking notes about what was  
21 occurring during the call, no. Lora Friedemann was doing  
22 that.

23 Q. Thank you. Then he said a few other things about how he  
24 felt about the case towards the end of the call, right?

25 A. Yes.

—RONDONI TAVERNIER - CROSS—

1 Q. Okay. So he's upset. He's using profanity.

2 A. Yes.

3 Q. And you believe Mr. Ivers said, "You don't know the 50  
4 different ways I thought about killing her."

5 A. I know that he said, "You don't know the 50 different  
6 ways I" either "thought of killing her" or "planned to kill  
7 her." I can't remember the exact specific word that he  
8 used, because at that point I was trying to think of ways to  
9 rein in the call and Lora was taking notes.

10 Q. So it could be "thought of." Is that what you just  
11 said?

12 A. I said I don't recall -- my memory, I don't recall  
13 specifically what was said. I think it was that he said,  
14 "You don't know the 50 different ways I planned to kill  
15 her," because that was what my coworker wrote down and I  
16 watched her write it down, so I would trust her notes.

17 Q. But you don't recall what he actually said. You are  
18 relying on her notes.

19 A. I recall him saying, "You don't know the 50 different  
20 ways" to kill her, that "I planned" or "I thought" or "I  
21 conceived" or whatever verb he used. I know that he said,  
22 "You don't know the 50 different ways I thought of,  
23 planned," whatever, "to kill her.

24 Q. So you said --

25 A. And that is crystal clear in my mind.

—RONDONI TAVERNIER - CROSS—

1 Q. -- thought of, planned, conceived --

2 A. I know he didn't say conceived.

3 Q. Okay. Well, you just said it, so you --

4 THE COURT: Ms. Rondoni Tavernier, we have a  
5 really good court reporter, but she can't take both of you  
6 at once. So here's the rule.

7 Mr. Kelley, you wait till she completes her  
8 answer.

9 Ms. Tavernier, you wait till he completes his  
10 question.

11 Okay?

12 MR. KELLEY: Yes, Your Honor.

13 THE COURT: You may proceed.

14 BY MR. KELLEY:

15 Q. So not conceived of, but maybe planned, thought about,  
16 thought of?

17 A. It was either planned or thought of in my head, but,  
18 again, I know that Lora wrote it down -- that Ms. Friedemann  
19 wrote it down immediately after and I know that he had --  
20 that the rest of that statement is crystal clear in my mind.  
21 It's just the specific word I can't recall.

22 Q. You can't remember the specific word.

23 A. I can't remember that one specific verb. I remember "50  
24 different ways to kill her" crystal clear in my mind.

25 Q. When the government was asking you questions about these

—RONDONI TAVERNIER - CROSS—

1 plans, he didn't describe any plans, did he?

2 A. He didn't start describing his plans to kill her, no.

3 Q. No prior plans?

4 A. Well, but based on his statement it would sound like he  
5 had made prior plans.

6 Q. But they were prior. That was your understanding.

7 A. Prior.

8 Q. You have no idea. He didn't discuss any of these  
9 things, did he? He just made that statement.

10 MR. RANK: Objection. Asked and answered.

11 THE COURT: Sustained.

12 BY MR. KELLEY:

13 Q. Okay. So then after this statement, you wrap up the  
14 call and tell him that Fredrikson & Byron will not represent  
15 him after the phone call, essentially?

16 A. Yes.

17 Q. So until that point you considered him a prospective  
18 client.

19 A. I guess so, yes.

20 Q. And not a client after the phone call.

21 A. Yes.

22 Q. Okay. So the phone call is over. About five minutes  
23 later Mr. Ivers calls back?

24 A. Yes. Approximately five minutes later. Sometime in  
25 there.

—RONDONI TAVERNIER - CROSS—

1 Q. And he asked you a question about the second lawsuit  
2 with Magistrate Schultz.

3 A. I believe so, yes.

4 Q. And you answered that question?

5 A. Yes.

6 Q. Give him legal advice about it?

7 A. Yes.

8 Q. Only lasted five minutes?

9 A. Not even.

10 Q. Not even. It was a fairly unremarkable call, wasn't it?

11 A. Yeah. It was a technical question that had an easy  
12 answer. I think it was something to do with filings or kind  
13 of what happened next.

14 Q. So five minutes after this other call Mr. Ivers is calm.

15 A. I don't know if I would say he was calm. He was asking  
16 a question about the lawsuit.

17 Q. It was an unremarkable phone call.

18 A. It was an unremarkable phone call.

19 Q. And that was the last time you ever heard from  
20 Mr. Ivers.

21 A. Yes.

22 Q. He never sent you any letters.

23 A. No.

24 Q. Any emails?

25 A. No.



—RONDONI TAVERNIER - CROSS—

1 Q. He never called you again?

2 A. No, I don't think so.

3 Q. He never came to your office?

4 A. Not that I'm aware of.

5 Q. Let's quickly talk about your office building.

6 Fredrikson & Byron right downtown Minneapolis has a lot of  
7 security in that building.

8 A. Especially in the last year with the Super Bowl and  
9 various protests, they changed the security system  
10 significantly.

11 Q. Okay. So you need a key card, check in at the desk with  
12 security in order to get past?

13 A. In order to get even to the elevators, you need to have  
14 a key card to get through some turnstiles. And if you don't  
15 have a key card, you need to check in at the desk. And  
16 there needs to be a prior record of somebody expecting your  
17 visit.

18 Q. Right. So if somebody showed up unannounced, you  
19 wouldn't get in?

20 A. They would probably give you a phone call, see if you  
21 were expecting them.

22 Q. What floor do you work on?

23 A. The 33rd floor.

24 Q. The 33rd floor. Okay. So this was all February 2018.

25 I'm going to move to July. Around July 3rd-ish Mr. Scott

—RONDONI TAVERNIER - CROSS—

1 and I asked to interview you. Do you remember that?

2 A. Yes.

3 Q. And you understood that Mr. Ivers had provided us with  
4 the waiver that would have allowed you to talk to us about  
5 the February 27th phone call.

6 A. I recall the email that I received saying something  
7 about a waiver. I hadn't independently confirmed the  
8 existence of any waiver or what the scope of it would be.

9 Q. But you understood that you were allowed to talk to us?

10 A. I'm not sure what you mean by "allowed."

11 Q. For the interview. You were allowed to interview with  
12 us, if you wanted.

13 A. I knew that I could speak with you, if I wanted to, I  
14 guess, but I -- in terms of being allowed, I guess I didn't  
15 know that, because I would have had to consult internally  
16 and ensure that --

17 Q. So you -- I'll stop you there. You might not be allowed  
18 to talk to us based on perhaps your in-house counsel at  
19 Fredrikson, their advice?

20 A. Again, I'm not sure what you mean by "allowed." I mean,  
21 I -- I wasn't sure whether it would have been advisable for  
22 me to go forward. Again, I'm a second-year attorney, so I  
23 tend to be paranoid and check with everybody before I --  
24 before I do things.

25 Q. So you ultimately refused to talk to us.

—RONDONI TAVERNIER - CROSS—

1 A. I believe I was advised that at that time it wasn't a  
2 good idea to speak with you at that time.

3 Q. So on the advice of your attorney you refused to talk to  
4 Mr. Ivers' attorneys.

5 A. I believe so.

6 Q. I'm going to skip to the end of July, July 27th. This  
7 is five months after the phone call. Yes?

8 A. That sounds correct, yep.

9 Q. You were interviewed by Ms. Julie Allyn and Deputy  
10 Wooton -- or actually it was Deputy Marshal Trinh. Does  
11 that sound right?

12 A. That sounds right, and the date range sounds about  
13 correct.

14 Q. So interview on February 27th, Julie Allyn and Deputy  
15 Marshal Trinh.

16 A. I'm sorry. You said February 27th. Did you mean July?

17 Q. Oh, yes. I'm sorry.

18 A. Yes, the end of July. That sounds correct.

19 Q. And the purpose of this interview was to discuss the  
20 February 27th phone call.

21 A. Yes.

22 Q. And one of them asked you if Mr. Ivers had said, "You  
23 don't know the 50 different ways I plan to kill her." Do  
24 you remember that?

25 A. I don't recall that they specifically asked me that

—RONDONI TAVERNIER - CROSS—

1 question. I recall discussing the call.

2 Q. Did you tell them Mr. Ivers said, "You don't know the 50  
3 different ways I plan to kill her," in the present tense?

4 A. I don't recall specifically what I said. I believe I  
5 conveyed that he made that statement, that Mr. Ivers made  
6 the statement about having thought of or planned 50  
7 different ways to kill Judge Wright. I don't recall  
8 specifically what I said on that date.

9 Q. So you believe you told them on July 27th thought of or  
10 planned, but you can't really remember.

11 A. I can't specifically remember. I know that I conveyed  
12 that -- that he had made that statement. I may have even  
13 conveyed that I didn't recall the specific wording that he  
14 used. In fact, I would think that I did, conveyed that I  
15 didn't recall the specific, that specific -- that one  
16 specific word.

17 Q. Okay. So you think you told them you couldn't remember  
18 exactly what he said.

19 A. I -- I believe so, yeah. Yeah.

20 Q. So that's the end of July. Moving into August, you  
21 change your story a little bit.

22 A. I don't think I've ever changed my story. I think I  
23 have always been clear that -- that Mr. Ivers made the  
24 statement that "You don't know the 50 different ways I"  
25 either planned of or thought of "to kill her." I think I

—RONDONI TAVERNIER - CROSS—

1 have always been clear that I did not recall that one  
2 specific word and I was forthcoming with that, but that the  
3 rest of the statement was clear to me.

4 Q. Okay. Just to be clear, even in August you can't  
5 remember what you said --

6 A. I --

7 Q. -- or what Mr. Ivers said. Sorry.

8 MR. RANK: Objection. Asked and answered.

9 THE COURT: Sustained.

10 BY MR. KELLEY:

11 Q. During the February 27th phone call Mr. Ivers never  
12 instructed you to disclose what was said during that phone  
13 call, did he?

14 A. On February 27th?

15 Q. Correct.

16 A. No.

17 Q. He didn't tell you to disclose anything to Judge Wright?

18 A. No.

19 Q. He didn't tell you to disclose anything to Judge  
20 Wright's chambers?

21 A. No.

22 Q. Not Tiffany Sanders?

23 A. No.

24 Q. Not the marshals?

25 A. No.

—RONDONI TAVERNIER - CROSS—

1 Q. Is it possible he thought the conversation would remain  
2 confidential?

3 MR. RANK: Objection. Calls for speculation.

4 THE COURT: Is it possible -- overruled.

5 You can answer.

6 THE WITNESS: I don't know what he thought  
7 specifically. I mean, it's possible that he thought that  
8 our conversation was confidential. I can't speak to what  
9 was in his mind. He made no statements one way or the  
10 other.

11 BY MR. KELLEY:

12 Q. But it is possible that he thought it was a confidential  
13 conversation?

14 MR. RANK: Objection.

15 THE COURT: This has been asked and answered.  
16 Sustained. Repetitive, cumulative.

17 BY MR. KELLEY:

18 Q. On February 27th during the phone call did you ever ask  
19 what Mr. Ivers meant by his statement, "You don't know the  
20 50 different ways I" thought of, planned --

21 A. No. As I testified to, I didn't verbally react to his  
22 -- to those statements that he made.

23 Q. And Ms. Friedemann didn't ask him any questions.

24 A. Not to my knowledge, no.

25 Q. Is it possible he didn't mean that?

—RONDONI TAVERNIER - CROSS—

1 MR. RANK: Objection. Foundation.

2 THE COURT: Sustained.

3 BY MR. KELLEY:

4 Q. Did you ask if he was just venting?

5 MR. RANK: Objection. Asked and answered.

6 THE COURT: Overruled.

7 THE WITNESS: As I said, I didn't ask him -- I  
8 didn't interject while he was -- during this portion of the  
9 phone call. I wanted to let him speak and say his peace,  
10 and I didn't think that any of those statements -- that any  
11 reaction from me would be necessary or helpful.

12 BY MR. KELLEY:

13 Q. Don't you think it would have been important to know  
14 what he meant by those statements?

15 A. As I said, at the time I was trying to focus on bringing  
16 the call to a good resolution, to bringing it back to the  
17 topic. I didn't think it was a good idea to interject or to  
18 react to his statements.

19 Q. You didn't think it was a good idea to ask your client  
20 to clarify what he meant.

21 MR. RANK: Objection. Argumentative.

22 THE COURT: Overruled.

23 THE WITNESS: I didn't consider him a client at  
24 that time. And because these statements weren't  
25 specifically relating to the advice that I was giving him,

—RONDONI TAVERNIER - CROSS—

1 the -- the questions and the follow-up that I did was  
2 related to, during that call, was related to the substance  
3 of the legal communication that I was giving him. That was  
4 what I wanted to make sure that he understood. These  
5 statements were outside of --

6 BY MR. KELLEY:

7 Q. I'll stop you there. That's a little far beyond the  
8 answer I was asking for. But under oath here today, you  
9 can't really remember the exact words he said.

10 MR. RANK: Objection. Cumulative, asked and  
11 answered several times.

12 THE COURT: Sustained. Sustained.

13 MR. KELLEY: No further questions, Your Honor.

14 Thank you.

15 THE COURT: Mr. Rank, do you have any redirect?

16 MR. RANK: No, Your Honor.

17 THE COURT: You may be excused.

18 Do you want to call your next witness, or is now a  
19 time for the jury's morning recess? You tell me what is  
20 going to work for your planning.

21 MS. ALLYN: Your Honor, I will leave it to the  
22 court's discretion.

23 THE COURT: Okay. Well, call your witness.

24 If you want to stretch while the witness comes in,  
25 you can do so.



SEYFRIED - DIRECT

1 (Short break taken.)

2 THE COURT: Do you want to stand and look at the  
3 ladies and gentlemen of the jury and raise your right hand  
4 please to be sworn?

5 MATTHEW SEYFRIED,  
6 called on behalf of the government, was duly sworn, was  
7 examined and testified as follows:

8 THE WITNESS: I do.

9 THE COURT: Please be seated.  
10 You may proceed, counsel.

11 MS. ALLYN: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MS. ALLYN:

14 Q. Good morning.

15 A. Good morning.

16 Q. Can you tell us your name? I'm sorry. I was getting my  
17 glass of water.

18 A. Sure. My name is Matthew Seyfried.

19 Q. And where do you work?

20 A. I work for the U.S. Marshals Service in the District of  
21 North Dakota, Fargo office.

22 Q. And what is your job title there?

23 A. I am a Deputy U.S. Marshal.

24 Q. How long have you worked for the marshals service?

25 A. I've worked for the marshals service for a total of

—SEYFRIED - DIRECT—

1 14 years now, 13 years of which I have been a deputy.

2 Q. And you are at which field office?

3 A. The Fargo office.

4 Q. And how long have you worked at the Fargo, North Dakota,  
5 office?

6 A. The 13 years I have been a deputy. It's been my first  
7 station, and I have been there ever since.

8 Q. Are you from there originally?

9 A. I am not.

10 Q. What is your current job assignment for the Fargo  
11 office?

12 A. My current job assignment is just Deputy U.S. Marshal.  
13 The Fargo office is a small office, we only have four  
14 deputies there, so we don't really have specific jobs. We  
15 all kind of do what needs to get done as it pops up.

16 Q. So do larger marshal offices separate different  
17 responsibilities between marshals differently than a smaller  
18 office like North Dakota?

19 A. That's correct. In my experience sometimes we have to  
20 travel to help other offices, bigger offices like  
21 Minneapolis or Los Angeles. What they will do is they will  
22 section deputies off and say you are going to work warrants  
23 for six months, you are going to work cell block, you are  
24 going to work court, maybe subpoenas and serving processes.  
25 You kind of rotate through those jobs. In Fargo we just

—SEYFRIED - DIRECT—

1 don't have that luxury. If there's warrants, we have to  
2 work them. If there's court, we have to do it. And we just  
3 share and get it all done.

4 Q. So you kind of wear all those hats, do all those jobs in  
5 North Dakota?

6 A. That's correct.

7 Q. So what about having a person assigned or  
8 responsibilities with respect to -- we have heard some  
9 testimony of a PII. Do you want to refresh my memory of  
10 what that stands for?

11 A. Yeah. I don't honestly -- we don't have PIIs in North  
12 Dakota. The function of a PII is to investigate threats for  
13 the judicial branch, any type of judge or anyone who works  
14 for the court. If the threat happens, a PII would handle  
15 that. It's an elevated position, what we would call a  
16 managerial position. We call them 13s in slang for the  
17 marshals service. But, regardless, only big offices have  
18 them. In North Dakota we don't have them. What we do  
19 have -- should I go into that?

20 Q. Yeah. So how would threats to a judge be handled then  
21 in North Dakota without a PII investigator?

22 A. Sure. So in North Dakota what we have and what all of  
23 the offices have is what we call collateral duties. One of  
24 my collateral duties is a district threat investigator. We  
25 call them DTIs for short. So anytime a threat happens with

—SEYFRIED - DIRECT—

1 the judicial branch, our judicial security inspector, or JSI  
2 for short, would get the threat and would normally handle it  
3 and then he will usually grab me as well and both of us will  
4 tag team the threat and help interview it and discuss  
5 whatever we need to figure out to do.

6 Q. How many full-time marshals are in Fargo, North Dakota?

7 A. Well, in Fargo we have four, what I want to call grunts,  
8 just the main guys who do the main base-level work, of which  
9 I am one, and then we have four managers. We have two  
10 supervisors, a JSI and then we have a chief.

11 Q. Did you become involved in a case involving Robert Ivers  
12 that brings you here today to testify?

13 A. I did.

14 Q. Did you ever meet Mr. Ivers personally?

15 A. I did on the day of the interview, but prior to that I  
16 had no knowledge of Mr. Ivers.

17 Q. Do you see him here in the courtroom today?

18 A. I do.

19 Q. Can you identify where you see him or where he's  
20 sitting, what he's wearing?

21 A. Sure. He is seated all the way on the left, a blue  
22 shirt, maybe a black coat, dark blue coat, next to the  
23 defense attorney.

24 Q. How did you first then become involved in this case  
25 involving Mr. Ivers?

—SEYFRIED - DIRECT—

1 A. Sure. So we first became involved in this case on  
2 March 7th, 2018.

3 So just to help explain a little bit, the way the  
4 marshals service works is we are a nationwide agency, but  
5 any time something happens outside in another district or  
6 another state it doesn't make sense for us to drive to that  
7 other state to handle it, because it would just mess up all  
8 the manpower issues. So what we do is we ask the marshals  
9 service in that area that's closest to handle the  
10 investigation, the warrant, the serving of papers, whatever.

11 So in this case what happened is on March 7th  
12 Farris Wooton, seated over there, sent what we call a  
13 collateral lead to the marshals in Fargo, North Dakota. It  
14 would have went to Bill Klug, our JSI investigator. And he  
15 asked us -- he said Mr. Ivers made a threat to his attorney  
16 over the phone and that he would like us to go interview  
17 Ivers to find out if the threat is what we call credible or  
18 not, for example, do we think he's going to actually move  
19 forward with this threat or is this something that's maybe  
20 just made verbally with no bite behind it, per se.

21 Q. So did you act on this lead request from Deputy Wooton?

22 A. I did.

23 Q. Can you explain sort of what happened, what steps were  
24 taken when you acted on this lead request?

25 A. Yep. So, as I mentioned earlier, the lead came in on

SEYFRIED - DIRECT

1 March 7th, 2018, and it would have went to Bill and then --

2 Q. And I'm sorry. Who is Bill again?

3 A. I'm sorry. Bill Klug is our judicial security inspector  
4 in Fargo, North Dakota. He's the one who gets all these  
5 threats and handles a lot of them, and I usually help him  
6 with most of them, so.

7 Q. So continue. It goes to Bill Klug. And then what  
8 happens?

9 A. So it would have went to Bill Klug, and then at some  
10 point he would have came and talked to me about the threat.

11 From what I remember about that time period, we  
12 were extremely low on manpower. I was actually an acting  
13 supervisor at the time, so that took one man out of the  
14 office. So we only had two guys, maybe three at the time  
15 doing the work, so -- and Bill was busy too.

16 So he got the lead on the 7th. We put on our  
17 calendar to get it taken care. For whatever reason, I don't  
18 know, Bill wasn't able to handle it that week, so it had to  
19 wait till the next week to make sure we can do it. Again,  
20 Bill still wasn't able to handle it, so I had to grab Kevin  
21 Wickenheiser. He's a deputy down here in the District of  
22 Minnesota. That's how short-staffed we were. We were  
23 actually pulling people up from the Minneapolis/St. Paul  
24 office just to help us. So I had to grab Kevin Wickenheiser  
25 instead of Bill, because he just wasn't able to help, and

—SEYFRIED - DIRECT—

1 then we went out on March 14th to interview Mr. Ivers.

2 Q. And why did you need to grab a second person?

3 A. Yep. So the marshals service just has a stand-alone  
4 policy. We do everything in at least twos. We don't do  
5 anything by ourselves, but especially in threat  
6 investigations where someone alleges a death threat or a  
7 threat to harm somebody, we don't know what that person is  
8 going to be like, we don't know if they are going to try to  
9 harm us or if it was just something that was said, you know,  
10 willy-nilly. So it's always best to have two, sometimes  
11 even more, just to protect ourselves and also to protect the  
12 person.

13 Q. Before you go to do an interview, what -- I don't  
14 know -- background work are you doing before you do that  
15 interview?

16 A. Yep. So a couple of basic steps that I will do is I  
17 will look up the name in what we call NCIC. It has those  
18 criminal histories and history of past crimes. So I will  
19 look up the individual in there to see if maybe they had  
20 past histories of murder or maybe nothing, but it just gives  
21 us a general idea of who that person has been over time.  
22 Other than that, the things what we will always do, at least  
23 me personally, is whoever sends the lead I will call down  
24 and talk to them about it.

25 So in this case I would have called Farris and got

SEYFRIED - DIRECT

1 a little background of the case, what happened before this  
2 and what do you expect to come out of this, what are you  
3 looking for, just so I have a general idea of what I am  
4 walking into, because he would have more experience in this  
5 case. And actually in this case it seems that Farris knew a  
6 bunch, but he didn't know as much, so he directed me to a  
7 Jeff Hattervig, and Jeff Hattervig handled this case prior  
8 to Farris, so then I also called a Jeff Hattervig and got a  
9 little bit more background of what's been going on with  
10 Mr. Ivers over these past -- I don't remember how long, a  
11 couple years, maybe a year, two years, I don't know, but  
12 there was a history where they would have been dealing with  
13 him for sometime now.

14 Q. And so at some point it sounds like you did interview  
15 Mr. Ivers; is that right?

16 A. It is.

17 Q. And I'm sorry. If you said the date, can you tell me  
18 the date again when you interviewed Mr. Ivers?

19 A. Yeah. I believe it was March 14th, 2018. It would have  
20 been in the morning, late morning hours, if I remember  
21 correctly.

22 Q. And that was you and this Deputy Kevin Wickenheiser?

23 A. Correct.

24 Q. I guess start us with that day. What do you do first  
25 when you are heading out to interview somebody, specifically



SEYFRIED - DIRECT

1 Mr. Ivers?

2 A. Yep. So -- and besides talking to the deputies who  
3 informed me about the case, I will then get in our car, we  
4 will drive over there. I always like to pass by the house a  
5 few times to see what I'm looking at, get an idea of what  
6 the layout is and any areas that what I would call threat  
7 areas, see if someone is going to jump around the back, are  
8 there 20 doors out of the place, just one.

9 So in this case we drove by the house. I took a  
10 look at it. I came back around the block. We sat a few  
11 blocks away. I just looked at it for a few minutes or two,  
12 talked to Kevin, explained to him what we were going to be  
13 doing, how I wanted to handle the --

14 COURT REPORTER: Excuse me, sir. Would you please  
15 slow down?

16 THE WITNESS: Sure. Sorry.

17 So we drove by the house. I took a few seconds to  
18 talk to Kevin, and we discussed what we were going to do. I  
19 told him how I wanted to handle it. And then we turned back  
20 around, pulled into the driveway. And then I would have  
21 started my recorder and walked up to the door.

22 BY MS. ALLYN:

23 Q. Okay. You are talking about a house. Do you know whose  
24 house it was?

25 A. We do. Actually, the information I received from Farris

SEYFRIED - DIRECT

1 was that the house belonged to Robert Ivers' sister Janet  
2 Patterson.

3 Q. And you said something about starting your recorder.  
4 Where -- what recorder were you using, and where were you  
5 holding it?

6 A. Yep. So I had an audio recorder on me, just a cheap \$10  
7 audio recorder. And I wear a bullet-resistant vest,  
8 sometimes we call them bullet-proof, and I put it right in  
9 between my chest, between the vest and my body, so it was  
10 right there underneath my mouth, but it wasn't visible.

11 Q. So I assume you go up to the door, knock, ring the  
12 doorbell. Anybody answer?

13 A. Yes. We -- I believe I knocked and rang the doorbell.  
14 I don't remember for sure. But I know Janet Patterson  
15 eventually came to the door. And I introduced myself to  
16 Janet, and I told her the reason why I was there, that I  
17 just wanted to speak with Robert Ivers.

18 Q. And how did Janet Patterson respond?

19 A. Janet seemed a little confused at first. I had to  
20 reiterate that I wanted to speak with Robert. I don't know  
21 if maybe she just didn't hear me the first time, but the  
22 second time I spoke with her and told her that I wanted to  
23 talk to Robert, she said okay and she closed the door and  
24 then she went to get Robert.

25 Q. Okay. I guess, yeah, explain that. She closed the

—SEYFRIED - DIRECT—

1 door. Are you outside the house, inside the house, and  
2 where is Deputy Wickenheiser standing?

3 A. Okay. So we were both outside the house. I am on the  
4 front steps of the house. Kevin is about 8 to 10 feet  
5 behind me.

6 So to set this up for you, when we walk up to the  
7 house, there's a garage on my right. The front door will be  
8 in front of me. So this is about an 8-foot wall maybe right  
9 there where the garage is. Kevin stood all the way back on  
10 the corner by the garage. We do that so he can help watch  
11 my back. If somewhere were to be -- if this was a more  
12 violent situation and someone were to come out a back door  
13 and try to come around us, we have somebody there watching  
14 my back. Me, I was at the front door, knocking on the door  
15 and ringing the doorbell.

16 Q. Did you ever end up going inside the house?

17 A. No, not on that occasion.

18 Q. So I think I left you off where Janet Patterson said  
19 okay, I will go get Mr. Ivers. Is that it?

20 A. That is correct.

21 Q. And did she do so?

22 A. She did.

23 Q. And how long did it take for Mr. Ivers to come to the  
24 door?

25 A. If I remember correctly, it was about four or five

SEYFRIED - DIRECT

1 minutes. It took quite a while. I know maybe about  
2 30 seconds for her, from what I could hear, and go down --  
3 it's a split level. So if you were to look in the door,  
4 from what I remember, the steps on the left go up six or  
5 eight steps and the steps on the right go down six or eight  
6 steps. So she went downstairs, and then she came back  
7 upstairs, and she said he will be just a minute.  
8 Eventually, I want to say it was like another minute or two,  
9 Mr. Ivers came up the steps. He looked at us, walked right  
10 past us. I heard him argue with his sister for a little  
11 bit. And then he eventually came back down to the front  
12 door and spoke with us. I would guess a total of maybe four  
13 to five minutes, I don't know, but it was -- it felt like  
14 forever when you are standing outside with nothing to do,  
15 so.

16 Q. Okay. So you are describing observing Mr. Ivers before  
17 he came speak to you; is that right?

18 A. Correct.

19 Q. Okay. There's, what, a front door window? How are you  
20 doing this?

21 A. Yeah. So there is a storm -- there's two doors.  
22 There's a storm door, and there was another door. And then  
23 there were side, from what I remember, there were side  
24 windows on the sides of the door.

25 Q. So did Mr. Ivers finally come to the door?

SEYFRIED - DIRECT

1 A. He did.

2 Q. And what happened then?

3 A. Mr. Ivers came to the door. He opened it somewhat  
4 quickly. I tried to introduce myself. He said he didn't  
5 want to hear anything about it. It was something like no,  
6 no, no or what do you want. I told him that I just wanted  
7 to speak with him. And he said if I don't have a warrant, I  
8 don't want to talk to any -- slammed the door in our face,  
9 so.

10 Q. And then you said this was recorded, this conversation;  
11 is that right?

12 A. I did.

13 Q. So to just set up that recording a little bit, you just  
14 described -- is it fair to say in the recording there's --  
15 Mr. Ivers comes to the door, leaves the door, comes to the  
16 door, leaves the door? Can you just describe that a little  
17 bit so that the recording would make sense to the jury?

18 A. Sure. So the entire conversation I had with Mr. Ivers,  
19 if you want to call it that, is he would come to the door,  
20 he would say a few pieces, most of the times he would yell  
21 at me, and then he would slam the door and walk away.

22 Towards -- this happened a few times. Eventually, towards  
23 the end, his sister got fed up. She came to the door and  
24 tried to speak with us. And she actually stepped outside  
25 eventually to talk to us, so we could talk face to face.

SEYFRIED - DIRECT

1 But even during those interactions, when we were talking  
2 with Janet, he would still come to the door and he would  
3 yell and he would slam the door again in our face.

4 Q. Can you hear Mr. Ivers speaking even when he would go  
5 back inside the house?

6 A. Yes. Yes, you could. He was -- he was very angry. I  
7 would use the word irate, just constantly yelling. There  
8 was never a point of normal conversation. There was just --

9 THE COURT: Deputy, would you slow down again for  
10 the reporter a little bit?

11 THE WITNESS: Yes, sir. I apologize.

12 THE COURT: That's right.

13 THE WITNESS: There was never a, from what I  
14 remember, never just a normal low-level conversation. Janet  
15 was very nice to speak to. I had a nice conversation with  
16 her. But Mr. Ivers was -- yelled at us the entire time. He  
17 would jab his finger at us. His face was very red. He was  
18 kind of hunched forward. I didn't feel like he was going to  
19 attack me, but it's what I would characterize as a fighting  
20 stance. You know, you are kind of leaned in, like you want  
21 to yell at somebody in their face. That was just the entire  
22 interaction we had with him. He would yell, run away, yell,  
23 run away.

24 BY MS. ALLYN:

25 Q. And, deputy, this is your first time testifying in a

SEYFRIED - DIRECT

1 trial; is that true?

2 A. That is true.

3 Q. So it is hard for the court reporter to take everything  
4 down if you talk too fast or if I talk over you.

5 A. Yes. I apologize. I am also from New Jersey, so -- we  
6 talk incredibly fast. I haven't gotten that out of my  
7 system yet. I am trying, but --

8 Q. Well, I think -- but I will also help try to slow you  
9 down, if we need to.

10 Before we play the recording, I just -- I guess I  
11 want to understand if the recording device is in your pocket  
12 and Mr. Ivers is back inside the house, is any of that still  
13 captured on the recording device?

14 A. It is, surprisingly. Just one correction. It wasn't in  
15 my pocket. It was in my chest, so -- we have a  
16 bullet-resistant vest that comes over my normal clothing.  
17 So I would have had it stuck in between the vest and my  
18 shirt, kind of right down on your sternum. But, yes, it  
19 captured almost all of the conversation, which I was  
20 pleasantly surprised about. I put it there hoping that I  
21 would talk to Mr. Ivers face to face. I have always had it  
22 work really well, but in this situation it caught  
23 everything. Even when he was inside and I think either  
24 upstairs or downstairs, you could still hear him, which is  
25 just how loud he really was.

SEYFRIED - DIRECT

1 MS. ALLYN: Your Honor, may I approach?

2 THE COURT: You may.

3 BY MS. ALLYN:

4 Q. Deputy, I have handed you what's marked as Exhibit 14.

5 Do you recognize that exhibit?

6 A. I do.

7 Q. And how is it you recognize that exhibit?

8 A. It has my initials and the date of 9-12-18 on it.

9 Q. So we've met before to discuss your testimony, right?

10 A. We have.

11 Q. And I asked you to review that disk to make sure it  
12 contained an accurate recording to the extent you could  
13 capture what you could call conversation between you and  
14 Mr. Ivers, right?

15 A. Correct.

16 Q. And you initialed that recording because it appeared  
17 accurate to what you witnessed the day you tried to talk to  
18 Mr. Ivers, right?

19 A. Yes, ma'am.

20 MS. ALLYN: Your Honor, at this time the  
21 government would offer into evidence Government's  
22 Exhibit 14.

23 MR. KELLEY: No objection.

24 THE COURT: Received.

25 MS. ALLYN: Thank you, Your Honor.



SEYFRIED - DIRECT

1           Your Honor, if I could publish to the jury  
2       Exhibit 14. Thank you, judge.

3       BY MS. ALLYN

4       Q. Deputy, before I play this, is it true the volume does  
5       range from loud to quiet, depending on where Mr. Ivers is  
6       standing?

7       A. That is correct.

8                       (Audio recording is playing.)

9       Q. Who are you talking to and what are you talking about  
10      there, this Hattervig-Jeff sentence?

11      A. Yep. At that point I was talking to Kevin Wickenheiser,  
12      the other deputy who was with me, and I was just kind of  
13      mentally refreshing myself that when I spoke with both  
14      Farris and Jeff over the phone regarding Mr. Ivers they told  
15      me that Mr. Hattervig had a lot of success talking to Robert  
16      Ivers. He was -- just every time he was able to talk to him  
17      he was able to calm him down and elicit information out of  
18      him. So I was under the impression and hope that if I --  
19      when I spoke to Mr. Ivers and I said, hey, I spoke with Jeff  
20      Hattervig, he is having me here come talk to you, that maybe  
21      I would have more success in talking to Mr. Ivers.

22      Q. Right before that there's something about a newspaper.  
23      What is that about?

24      A. Yeah. When I got to the front door, there was a  
25      rolled-up newspaper by the front door, like she had a

—SEYFRIED - DIRECT—

1 newspaper delivery. So I was just offering to give it to  
2 her, just be nice, I guess.

3 Q. And right now while -- you were just talking to  
4 Mr. Wickenheiser because why? What are you -- what's  
5 happening?

6 A. Yeah. I was just double -- just running my ideas past  
7 him real quick saying, hey, it is Jeff Hattervig, right,  
8 just because there's a lot of things running through my mind  
9 at that front door, so I just want to make sure I got the  
10 name correct and didn't spit out the wrong name, so.

11 Q. I mean, like, is this one of these times you are waiting  
12 to see if Mr. Ivers will come to the door?

13 A. Correct. Yeah. Janet at this point walked away, closed  
14 the door, and she was retrieving Mr. Ivers.

15 (Audio recording is playing.)

16 Q. Okay. You are just talking to Mr. Wickenheiser at this  
17 point?

18 A. Again, yeah, just talking to Kevin. We are just  
19 waiting. As deputies tend to do, when we are standing  
20 waiting, we like to look around, see what's going on. So at  
21 this point I am just watching the front door, looking to the  
22 left and to the right just to see what I could see in case  
23 there is anything else I should know or -- so I am not  
24 surprised with anything.

25 Q. And there's, what, some green lights? So St. Patrick's

—SEYFRIED - DIRECT—

1 Day must be around this March 14th date, I guess?

2 A. Yeah. I don't remember where the light was, if it was  
3 on Janet's door or a door across the street, but I saw a  
4 green light somewhere. So just small talk, I guess.

5 (Audio recording is playing.)

6 Q. Is this about the time frame where maybe you are  
7 waiting, I don't know, five minutes or so to see if  
8 Mr. Ivers is coming to the door?

9 A. It is.

10 Q. And is this the time frame you are describing where you  
11 sort of saw, what, Janet trying to talk to Mr. Ivers? What  
12 is it you are watching right now, while we are sitting here  
13 waiting for more words on this video?

14 A. Yeah. And at this point there is nothing really going  
15 on. Janet went downstairs; and when she came back up, she  
16 said he will just be a minute and she continued upstairs and  
17 then there is just nothing. Eventually, at some point, you  
18 will see Mr. Ivers will come up from downstairs. He will  
19 look at us real quick, look at me, I should say, and then he  
20 walks -- continues upstairs to talk to Janet, which is where  
21 she was.

22 Q. Okay. So if I were to move ahead to about five minutes,  
23 does that sound about right when maybe there's some more  
24 action?

25 A. Yeah. Nothing really happens until Mr. Ivers --

SEYFRIED - DIRECT

1 Q. That's my fault.

2 A. Nothing really happens until Mr. Ivers comes back to the  
3 door.

4 (Audio recording is playing.)

5 Q. And, deputy, is this one of these times -- can you  
6 explain, kind of, where Mr. Ivers might be when we are  
7 trying to listen to this part of the audio?

8 A. Yeah. From my recollection, Mr. Ivers went back  
9 upstairs to talk to Janet or he could have went down, but I  
10 think it was my understanding he went back upstairs to talk  
11 to Janet. So he was away from the front door for sure.

12 Q. Okay. So I'm just going to back this up a little bit,  
13 so I can fix the volume so that half this conversation won't  
14 be too loud and half of this won't be too quiet.

15 (Audio recording is playing.)

16 Q. Okay. Just describe a little physically what is  
17 happening here with Mr. Ivers. Is this coming to the door,  
18 back and front of the door -- just describe that a little  
19 bit.

20 A. Correct. So during this time I think I counted two he  
21 would come, he would talk to us, he would go away, talk to  
22 his sister. Then he would come back and yell at us a little  
23 bit; then he would go away. And then the same with this  
24 third time. You can kind of even hear the door close. When  
25 he would close the door, he really closed it hard. You

—SEYFRIED - DIRECT—

1       could see the windows shake on the side of the house. So he  
2       didn't want to have anything to do with us that day, so.

3                       (Audio recording is playing.)

4       Q. When you say you are really not that worried, is that  
5       true?

6       A. No. It's just me trying to get some more information.  
7       I don't want her to think that I am here to arrest  
8       Mr. Ivers, which we weren't, but I was just there to talk to  
9       him and I just wanted to be able to at least get in front of  
10      him and have a conversation with him. We were worried  
11      enough that I had to go talk to him, so.

12      Q. And at that point the way Mr. Ivers was responding, was  
13      that making your worry worse?

14      A. It made me a little nervous. I haven't been a threat  
15      investigator for 13 years, but I have been doing it for  
16      about maybe five or six, if I had to guess, and of all  
17      interviews I have had with both fugitives and threateners  
18      this is by far the angriest person I ever dealt with. It is  
19      Fargo, but he was very angry. You can hear at one point in  
20      the conversation where he hits the side of the door frame,  
21      constant slamming of doors, yelling, and we didn't even  
22      really have a chance to talk yet. It just was anger from  
23      the start. There was no -- there was just no normal  
24      conversation.

25                       (Audio recording is playing.)

SEYFRIED - DIRECT

1 Q. Deputy, who is Mr. Ivers saying that statement to, that  
2 fucking judge, if she doesn't sleep very good, F her? Who  
3 did he say that to?

4 A. He said that to me, but it was in reference to Judge, if  
5 I remember correctly, Wright, the federal judge that he  
6 threatened. He made a threat to his attorney over the phone  
7 call with.

8 Q. I mean, there is some back and forth with him talking  
9 and his sister talking to you. At that point was he talking  
10 to you?

11 A. Yes.

12 Q. He had come back to the door to talk to you?

13 A. Yeah. So at this point I was speaking with Janet. The  
14 entire conversation with Janet, some took part inside the  
15 house, when she was standing inside and I was outside. At a  
16 certain point Janet stepped outside to speak with us. I  
17 don't know where we were at this point, but Mr. Ivers  
18 would -- I don't remember where he went, because my focus  
19 was on Janet at the time, but he would walk away, the door  
20 would close, we would talk to Janet. He would be close  
21 enough that he could hear, because he would eventually come  
22 running back and open the door and make a comment about what  
23 we said and then close the door again and leave.

24 (Audio recording is playing.)

25 Q. Sir, why are you reporting -- or repeating that N word?

SEYFRIED - DIRECT

1 A. Yeah. The reason why I repeated the N word was because  
2 I didn't know what the recording was doing. I didn't know  
3 how well it was picking up the conversation.

4 Normally, when I have these threatener interviews,  
5 we will sit down at a table or somewhere and I will take my  
6 interviewer out and put it on the table. In this case it  
7 was stuck between my vest and my shirt. He's inside; I'm  
8 outside. So I just wasn't for sure what was being picked up  
9 on the recorder.

10 So when I heard that word, I wanted to make sure I  
11 memorialized it into the recording so that when I wrote my  
12 report later it would make a note of it, because it's  
13 just -- it's a word that people don't say normally, at least  
14 in my experience. It's a hateful word. So I just wanted to  
15 capture it and make sure I had it written down.

16 Q. So you didn't first say it. You heard Mr. Ivers say it.  
17 Is that it?

18 A. That is correct.

19 Q. And you repeated it just to make sure there was a  
20 recording that he had said that?

21 A. Yes, ma'am.

22 Q. And you are saying it is a hateful word?

23 A. Yes, ma'am.

24 MR. KELLEY: Objection, Your Honor. Relevance.

25 THE COURT: Sustained.

—SEYFRIED - DIRECT—

1 Are you talking about the question?

2 MR. KELLEY: Yes, Your Honor.

3 THE COURT: Okay. You've got an instruction  
4 questions are not evidence. You can't consider them. Okay?

5 You may proceed, counsel.

6 BY MS. ALLYN:

7 Q. Deputy, tell me the relevance of that word to you in  
8 evaluating this threat investigation.

9 A. Yes. So in this investigation I knew that Judge Wright  
10 was an African American woman. So when I heard the N word,  
11 it, to me, it seemed like a racial slur towards that judge.  
12 Most Caucasian men, at least in my experience, don't call  
13 other Caucasian people the N word; but when a Caucasian  
14 calls an African American the N word, it's usually, in my  
15 experience, again, because of some hate or animosity towards  
16 that person.

17 Q. Does that matter to you in your assessment whether or  
18 not Mr. Ivers was a threat or had made that threat?

19 A. It does. It confirms to me that he is very angry with  
20 the judge, and it's something I should at least make a note  
21 of and we can maybe be worried about it more in the future.

22 (Audio recording is playing.)

23 Q. Now, what was your mission that wasn't successful?

24 A. Yeah. So ultimately your mission in a threat  
25 investigation is to speak with the actual person who made



—SEYFRIED - DIRECT—

1 the threat and get a feel for them and talk to them and just  
2 try to feel out if this person is actually going to move  
3 forward with the threat, or in most cases I have dealt with  
4 usually it is something that somebody said in the heat of  
5 the moment and now that they realize they said it they  
6 usually apologize and the investigation will close itself.

7 Q. Did that happen here?

8 A. No. As you can tell, I just never had a chance to talk  
9 with Mr. Ivers. He just didn't want to talk to us.

10 Q. There some things we can't hear on there. Did he ever  
11 apologize?

12 A. Not to me, no.

13 Q. Take it back, say he was joking?

14 A. No.

15 Q. There was some more conversation for a while just  
16 between you and Ms. Patterson; isn't that right?

17 A. That is correct.

18 Q. Just talking about her work and a few things like that  
19 for a few more minutes?

20 A. Yeah. At the end of the interview, when we were done  
21 with that, Mr. Ivers is gone, he doesn't come back at this  
22 point, but my partner Kevin asked Janet a few questions,  
23 like how long have you lived here, the car in the driveway,  
24 is it your's, what's your phone number in case we need to  
25 reach you, just follow-up questions so in case we do need to

SEYFRIED - DIRECT

1 come back we know more of what we are walking into.

2 Q. But there was no more part of the interview that you  
3 could hear Mr. Ivers?

4 A. Correct. At this point I think he went downstairs to  
5 his room. I don't remember. Again, my attention was on  
6 Janet.

7 Q. So we can hear a lot on the recording, but can you  
8 explain some of the things, you know, that we can't see,  
9 like how does defendant look during this time that he's  
10 talking to you?

11 A. So as I believe I mentioned --

12 MR. KELLEY: Objection, Your Honor. Asked and  
13 answered.

14 THE COURT: Overruled.

15 THE WITNESS: So as I mentioned earlier, Mr. Ivers  
16 was -- the term I would use is irate, very angry, red-faced.  
17 He would slam the door and open it quickly. You would --  
18 you could hear him yelling throughout the house, whether he  
19 was in our face or whether he was away. He would point his  
20 finger at me and kind of jab it. He never jabbed me or  
21 touched me, because there was a door between us, but he  
22 would point at us very aggressively, is how I would term it,  
23 just very angry, just -- you could just tell he wanted  
24 absolutely nothing to do with us, and he was irate is the  
25 best way I can explain it.

SEYFRIED - DIRECT

1 BY MS. ALLYN:

2 Q. You said he didn't touch you. Did he ever hit anything  
3 else? Did he hit anything?

4 A. He did. At some point in the interview he -- I think  
5 it's the stop disturbing the household or don't harass me.  
6 At one point he kind of slams on the door frame. He opens  
7 up the door and he says one of those two statements, where  
8 he just kind of hits the door frame.

9 Q. How was he standing?

10 A. Yeah. So Mr. Ivers, when he would talk to us, at least  
11 from my perspective, Mr. Ivers would lean forward to us,  
12 kind of hunched forward. I don't want to say it's a  
13 fighting stance, but it's not a stance of comfort. It's a  
14 stance of aggressiveness. He was very angry that we were  
15 there, and he wanted to make his anger known.

16 Q. Does the recording accurately do justice to the volume  
17 of his voice?

18 A. I think so. It's not a professional recorder, by any  
19 means. I can't remember -- it's quite old. It's a little  
20 box, probably from Radio Shack. I don't even think they  
21 exist anymore, but it's in my vest and he's inside. I  
22 was -- I was shocked that it caught everything that it did,  
23 to be honest. That's why I memorialized that N word in  
24 there, is because I just didn't know what it would catch.

25 Q. As you're concluding this interview, what are you

SEYFRIED - DIRECT

1 feeling about what next steps you need to do?

2 A. Yep.

3 MR. KELLEY: Objection, Your Honor.

4 THE COURT: Sustained.

5 BY MS. ALLYN:

6 Q. What did you do at the conclusion of this interview?

7 A. At the conclusion of this interview I would have got  
8 back in the car, closed out the recording and then went back  
9 to my office. At that point I would have called Farris, who  
10 sent us the lead, the information on paper, explain to him  
11 everything that happened and my thoughts of it. And then I  
12 would have typed up a report, made a -- taken the recording  
13 itself and emailed that to Farris.

14 Q. What were your conclusions about whether or not  
15 Mr. Ivers posed a threat?

16 MR. KELLEY: Objection.

17 THE COURT: Overruled.

18 THE WITNESS: My conclusion was I couldn't say  
19 either way. I for sure didn't not think he was a threat,  
20 but I wasn't sure that he was going to enact on the threat  
21 either. He was angry enough that I was a little bit  
22 worried, and I told Farris that we needed to discuss this  
23 case more and maybe might have to take further steps. Since  
24 it's a Minnesota case, he has to initiate those things, you  
25 know, maybe like search warrants or court orders and things

—SEYFRIED - DIRECT—

1       like that, but at that point I said we will probably have to  
2       see this guy again in the future. I knew this was not it;  
3       at some point we are going to have to make contact with  
4       Mr. Ivers again.

5       BY MS. ALLYN:

6       Q. You knew that this case would need further investigative  
7       steps?

8       A. Yes, ma'am.

9       Q. And why is that?

10      A. Again, he was just very angry. And every other threat  
11      investigation I have done so far that I can remember I at  
12      some point have been able to make contact, establish why  
13      somebody said something and figure out what to do with it  
14      point forward. Here, I couldn't get anything out of  
15      Mr. Ivers, except that he was very angry at the judge and  
16      then wanted nothing to do with me.

17      Q. Now, one moment, deputy. Thank you, deputy. I have no  
18      further questions, but defense counsel might.

19               THE COURT: We will be in recess until 11 o'clock.

20               Remember the previous admonition of the court.

21               THE CLERK: All rise.

22               (Recess taken from 10:41 a.m. till 11 a.m.)

23               THE COURT: Okay. Please be seated.

24               Mr. Kelley.

25               MR. KELLEY: Thank you, Your Honor.

—SEYFRIED - CROSS—

CROSS-EXAMINATION

BY MR. KELLEY:

Q. Still morning. Good morning, Deputy Seyfried.

A. Good morning, sir.

Q. When you and Ms. Allyn were talking, I don't know, maybe 20 minutes ago, you were defining some terms that you use, terms of art professionally. Do you remember that?

A. I do.

Q. Okay. And when you were talking about threat investigations, you used the word "threat" a number of times. Do you remember that?

A. I do.

Q. So threat is a term of art that you use as a marshal, correct?

A. In terms of these investigations, yes.

Q. So it's a technical term that you guys use internally?

A. Correct.

Q. And that's in reference to some alleged threat that has been brought to your attention, right?

A. Yes, sir.

Q. But when you used the word "threat" with Ms. Allyn, that doesn't necessarily mean a crime has been committed?

MS. ALLYN: Objection. Calls for a legal conclusion.

THE COURT: Overruled.

—SEYFRIED - CROSS—

1 THE WITNESS: I would -- I would guess maybe yes.  
2 Normally, with legal stuff, if I think that a crime has been  
3 committed, I usually would talk to an Assistant U.S.  
4 Attorney and vet it with them, because I don't know all the  
5 federal laws, but I would say yes, maybe in some cases you  
6 would be correct.

7 BY MR. KELLEY:

8 Q. But in other cases no, it might just be an allegation  
9 and it might not be a crime?

10 A. Correct. It's a possibility.

11 Q. You also said that when you are doing these  
12 investigations and you are looking at an alleged threat your  
13 job is to determine whether it is credible or whether it  
14 has -- I think you said no bite?

15 A. Correct.

16 Q. So when you go out to see Mr. Ivers on March 14th, you  
17 are trying to see whether or not it was credible or had no  
18 bite?

19 A. Yes, sir.

20 Q. You also said that you talked to Deputy Hattervig and  
21 Deputy Wooton before you went to see Mr. Ivers on  
22 March 14th?

23 A. That is correct.

24 Q. Did they tell you that Mr. Ivers had had no  
25 correspondence with Judge Wright since the fall of 2017?

—SEYFRIED - CROSS—

1 A. They might have. I honestly don't remember. All I  
2 remember was that they said that he's made similar  
3 statements like this, but nothing that ever came to this  
4 level, I guess. I don't know. I remember --

5 Q. You can't really remember?

6 A. I can't. I am sorry.

7 Q. That's all right. And one of them, it could be Deputy  
8 Wooton, it could be Bill Klug -- is that supervisor Bill  
9 Klug?

10 A. Yeah. Judicial Security Inspector Bill Cluge is in  
11 Fargo, though.

12 Q. So one of those two told you that Mr. Ivers had said to  
13 his attorney, "You don't know the 50 different ways I plan  
14 to kill her," present tense?

15 A. Correct. I believe that's correct. I can look at my  
16 notes, if you want.

17 Q. Go ahead. I will -- refresh your memory.

18 A. That's correct. It's present tense.

19 Q. Okay. So that's what you were going out of here, is  
20 that one statement, plan, present tense?

21 A. Yes, sir.

22 Q. Did you remember telling Janet Patterson, Mr. Ivers'  
23 sister, that exact statement during the interview on  
24 March 14th?

25 A. I have to look at the transcript. I know I would have



—SEYFRIED - CROSS—

1 got it close. I don't know if I would have got it word for  
2 word, because I was just going off my memory when I spoke  
3 with her.

4 Q. Turn to page 5 of the transcript, please. Look at  
5 line 16.

6 A. Yes, sir.

7 Q. Line 16. This is you talking to Ms. Patterson. It's  
8 Bob Ivers' sister, right?

9 A. Yes, sir.

10 Q. And you say this phrase to her that I have just  
11 highlighted on the screen. Do you see that?

12 A. Yes, sir.

13 Q. Okay. And that is -- underline it red here -- plan,  
14 present tense?

15 A. Yes.

16 Q. Thank you. So you are at the house under the impression  
17 that Mr. Ivers said he had a plan to kill the judge.

18 A. I guess my reason for being there was just for what he  
19 said. I just wanted to see if he did have a plan or not. I  
20 wasn't sure either way. It was just the statement that  
21 brought us there.

22 Q. So you guys weren't sure?

23 A. Correct.

24 Q. You recall you went into detail about how you slid the  
25 \$10 recorder between your body armor and your shirt?

—SEYFRIED - CROSS—

1 A. Yes, sir.

2 Q. Did you tell Mr. Ivers or his sister that you were  
3 recording them?

4 A. I did not.

5 Q. So they had no idea that they were being recorded while  
6 they were talking?

7 A. That is correct.

8 Q. You also discussed Mr. Ivers' behavior from inside the  
9 house at length with Ms. Allyn.

10 A. Yes, sir.

11 Q. You said he was pointing his finger, correct?

12 A. That is correct. It wasn't the entire time, but there  
13 was -- I remember one point of which when he was talking to  
14 us or yelling at us that he would point his finger at me.

15 Q. But you also said Mr. Ivers never left the house.

16 A. Correct. He stayed behind the storm door the entire  
17 time.

18 Q. So there was a storm door between you and Mr. Ivers the  
19 entire time?

20 A. Yes, sir.

21 Q. And he is inside his house?

22 A. He is.

23 Q. I'm going to play a little bit of the audio, but I'm not  
24 going to make the jury listen to the entire thing again.

25 I'm going to start it at the beginning of the tape.

SEYFRIED - CROSS

1 A. Yes, sir.

2 Q. This would be helpful. Try it again.

3 (Audio recording is playing.)

4 Q. I'm curious. Which attorney said he was living there?

5 A. I wasn't told by the attorney myself, but in the report  
6 that I received from Farris asking me to interview him it  
7 said that, from my recollection, that his attorney stated he  
8 was living at this address, so it was on paper. I would  
9 assume it was Friedemann, but I do not know.

10 Q. Okay. It might have been Friedemann talking to the  
11 deputies before March 14th?

12 A. Correct.

13 (Audio recording is playing.)

14 Q. Okay. I am going to skip ahead five minutes; and this  
15 would be page 3 of your transcript, if you want to follow  
16 along. Do you still have that?

17 A. I do.

18 Q. Okay. This is when Mr. Ivers finally comes up. So when  
19 you went to go visit Mr. Ivers and his sister on March 14th,  
20 what time was it?

21 A. I want to say it was mid afternoon. I might have it in  
22 my report or it might be on the recording. I guess I don't  
23 remember. Can I look or --

24 Q. Yes, you may.

25 A. So the report I made of the interview says that it was

—SEYFRIED - CROSS—

1 approximately 10:27 in the morning.

2 Q. 10:27 in the morning. It's possible Mr. Ivers was still  
3 sleeping?

4 A. Sure.

5 Q. It's pretty late for most people, but he could have been  
6 sleeping, right?

7 A. Sure. Yeah.

8 Q. So you might have just woken him up when you came to the  
9 door?

10 A. That's possible, yes.

11 Q. And he came up from downstairs. Is that your  
12 recollection; when you first saw him, he came from the  
13 basement?

14 A. Correct.

15 Q. And did you know that's where his bedroom is?

16 A. At that time, no, but at a later point we learned that  
17 it was, yes.

18 Q. It's possible he just woke up and came from downstairs  
19 where his bed is to the door to you guys?

20 A. Correct.

21 Q. So starting from Mr. Ivers coming up the stairs.

22 (Audio recording is playing.)

23 Q. You were not there to arrest him, in fact.

24 A. Correct.

25 Q. You did not have an arrest warrant?

SEYFRIED - CROSS

1 A. No, we did not.

2 Q. And from his, you know, kind of initial statements here,  
3 is it clear to you he does not want to talk to the two of  
4 you?

5 A. It is.

6 Q. But you stay there?

7 A. Correct.

8 (Audio recording is playing.)

9 Q. How many times do you think Mr. Ivers told you he didn't  
10 want to talk to you?

11 A. If I had to guess, maybe three times that interview.  
12 Usually --

13 Q. How many times do you think he told you to leave?

14 A. Two or three, maybe.

15 Q. Okay. So he told you multiple times he didn't want to  
16 talk and he wanted you to leave?

17 A. That's correct.

18 Q. You didn't leave?

19 A. Correct.

20 Q. And you did not have an arrest warrant to be there to  
21 arrest him, right?

22 A. Correct.

23 Q. Didn't have a search warrant to go into the house and  
24 search it?

25 A. No, we did not.

—SEYFRIED - CROSS—

1 Q. So you were just there to have a voluntary encounter  
2 with Mr. Ivers and Ms. Patterson?

3 A. Yes, sir.

4 Q. Like a normal situation if somebody says "get off my  
5 property," normally you have to leave, right?

6 A. I would -- I guess it depends on the context, but  
7 normally we would after a certain period of time, yeah. I  
8 wouldn't harass them all day, but I would at least try.  
9 Sometimes I have had experiences where people have told me  
10 to go away, but after a few minutes I can calm the situation  
11 down and we can at least progress to some type of interview.

12 Q. Okay. But here it was very clear he didn't want to talk  
13 to you and he wanted you to leave.

14 A. Yes. That's correct.

15 Q. So you actually end up talking to his sister a lot more  
16 than him, right?

17 A. Yes, sir, very much.

18 Q. She is a very pleasant woman, isn't she?

19 A. Very pleasant woman.

20 Q. So at the end of the March 14th interview you spend five  
21 minutes talking to Janet Patterson, his sister, five or so  
22 minutes talking to her, and Mr. Ivers is nowhere to be seen?

23 A. Correct. Towards the very end of the interview, yes.

24 There was a little point where he interjected, but, yeah, at  
25 the end it was just Janet.

—SEYFRIED - CROSS—

1 Q. So you are talking to her about, you know, her  
2 profession.

3 A. Correct.

4 Q. What she does.

5 A. Yes.

6 Q. Okay. And then you notice there's a car in the  
7 driveway, a new one.

8 A. I don't remember if it was new, because it was my  
9 partner Kevin who noticed it, but I know it was a  
10 newer-looking car for sure. I don't know what year. I'm  
11 terrible with cars.

12 Q. And that was her car?

13 A. Yes. That's what she told us.

14 Q. There wasn't another car. Mr. Ivers does not have a  
15 car, right?

16 A. I didn't see another car that day, so no. I guess I  
17 never looked -- I never checked DMV databases for a car, but  
18 there was only her car there that day, so that sounds like a  
19 good --

20 Q. Now you testified to Ms. Allyn that after this interview  
21 your conclusion was you couldn't say either way.

22 A. Yes, sir.

23 Q. You didn't know if it was a credible threat or whether  
24 it had no bite?

25 A. Yes, sir.

—SEYFRIED - CROSS—

1 Q. You did not arrest him at the end of the March 14th  
2 interview.

3 A. I did not.

4 Q. Because you didn't know whether an actual threat had  
5 been made?

6 A. Yes, sir.

7 Q. Okay. So that's March 14th. You don't have any more  
8 interactions with Mr. Ivers after that, correct?

9 A. Correct, sir.

10 Q. In preparation for this trial, however, you met recently  
11 with Ms. Patterson, his sister, out in West Fargo, right?

12 A. I did, yes.

13 Q. That was September 5th. Does that sound about right?

14 A. That sounds about right.

15 Q. If you want to look at your notes, that would be fine.

16 A. Yes, sir, September 5th, 2018.

17 Q. Okay. Wednesday of last week?

18 A. I would have to check a calendar, but that sounds about  
19 right.

20 Q. Did you record that conversation?

21 A. I did.

22 Q. Another pleasant conversation with Ms. Patterson?

23 A. Oh, yes. I love Ms. Patterson.

24 Q. And you asked her what she remembered about the  
25 February 27th phone call, didn't you?



SEYFRIED - CROSS

1 A. I did, yeah.

2 Q. And in that report you again told her that Mr. Ivers had  
3 said, "You don't know the 50 different ways I plan," present  
4 tense, "to kill her."

5 A. Yes, sir.

6 Q. So you are still going off of this statement from  
7 February 27th with the word plan, present tense.

8 A. Sure.

9 Q. And Ms. Patterson told you that she didn't think her  
10 brother would hurt anybody.

11 MS. ALLYN: Objection. Calls for hearsay.

12 THE COURT: Sustained.

13 BY MR. KELLEY:

14 Q. Ms. Patterson's memory of February 27th was kind of  
15 hazy? Would you say that's a good characterization of it?

16 A. That's how she characterized it to me, yes.

17 Q. Okay. But she remembered key facts about it.

18 A. I guess, yes. I guess it depends on what you define as  
19 key facts, but --

20 Q. Remembers taking -- Mr. Ivers taking --

21 MS. ALLYN: Objection. Calling for hearsay.

22 THE COURT: Well, I don't know what you are  
23 asking, counsel. "She remembered key facts about it" is the  
24 question.

25 MR. KELLEY: I think there was one --

—SEYFRIED - CROSS—

1 THE COURT: Remembers talking to -- overruled. I  
2 guess the question is do you remember talking -- yeah,  
3 overruled.

4 THE WITNESS: Can you repeat the question? I'm  
5 sorry.

6 BY MR. KELLEY:

7 Q. Do you remember Ms. Patterson talking about Mr. Ivers --  
8 this is on February 27th -- taking the phone call and going  
9 downstairs?

10 A. Do you mean on September 5th?

11 Q. Yeah. So you are there on September 5th talking to  
12 Ms. Patterson.

13 A. Okay.

14 Q. And she's talking about what Mr. Ivers did on  
15 February 27th.

16 A. Yes.

17 Q. And she remembered --

18 MS. ALLYN: Objection. Your Honor, defense  
19 counsel is about to state hearsay for his question.

20 THE COURT: Well, I don't know -- I'm sorry. Go  
21 ahead, counsel. Go ahead.

22 MS. ALLYN: His question is about to state  
23 hearsay. This answer will call for hearsay. We object on  
24 hearsay grounds.

25 THE COURT: Sustained.

SEYFRIED - CROSS

1 You can make an offer at the break, counsel.

2 MR. KELLEY: Thank you, Your Honor.

3 BY MR. KELLEY:

4 Q. You asked if Mr. Ivers had any weapons.

5 A. That's something I would ask. I don't remember asking  
6 it, but sure. Yeah.

7 Q. So you don't remember asking that?

8 A. I don't.

9 THE COURT: Was this September?

10 MR. KELLEY: September 5th, Your Honor.

11 THE COURT: Yes. Okay.

12 THE WITNESS: She might have volunteered it or I  
13 think she, if I remember correctly, she volunteered that  
14 they have no weapons. I don't remember asking it, but I  
15 think it was part of the conversation. She said no, we  
16 don't have any weapons, all I have is a butcher knife or  
17 something like that she reflected towards.

18 BY MR. KELLEY:

19 Q. So she said no weapons in the house?

20 A. Yeah.

21 Q. No further questions. Thank you.

22 A. Thank you, sir.

23 THE COURT: Thank you.

24 Any redirect, counsel?

25 MS. ALLYN: Yes, Your Honor. Thank you.

~~SEYFRIED - REDIRECT~~REDIRECT EXAMINATION

1  
2 BY MS. ALLYN:

3 Q. Hi, deputy.

4 A. Hello.

5 Q. Just a few questions.

6 A. Yes, ma'am.

7 Q. The questions about, sort of, the legal question of a  
8 credible threat or not, remember some of those questions?

9 A. Yes, ma'am.

10 Q. Deciding if something is a credible threat or not,  
11 that's a charging decision, right?

12 A. Yes, ma'am.

13 Q. That's not a decision you make, is it?

14 A. Not normally, no. And especially so much more in this  
15 case, because it's a District of Minnesota case. So all I'm  
16 really doing is the interview for the Minnesota U.S.  
17 Attorney's Office, marshals office, so I'm just going to  
18 relay what I find, and it's up to them what they want to do  
19 with it. Unless the crime happens right in front of me, I  
20 am not going to bother charging anybody.

21 Q. Okay. That's the other question I was going to ask you.  
22 You are there for an interview in order to pass on  
23 information to Deputy Wooton, right?

24 A. Yes, ma'am.

25 Q. At the end of the interview did you tell Farris Wooton

SEYFRIED - REDIRECT

1       there is nothing here to worry about?

2       A.   No.

3       Q.   No.   You told him what instead?

4       A.   From my recollection I told him that this will need  
5       further follow-up, we weren't able to talk to him, very  
6       angry.   We just will need to either go -- I asked him if you  
7       want me to go back out again, let me know and we will try to  
8       interview him again.   And from my memory I think Farris said  
9       something along the lines that we will -- let me talk with  
10      my people and then I will get back to you.

11      Q.   So then from there it was up to Deputy Wooton to  
12      investigate it?

13      A.   Yes, ma'am.

14      Q.   Thank you.

15                 MS. ALLYN:   No further questions.

16                 THE COURT:   You may step down.

17                 Do you want to call your next witness?

18                 MR. RANK:   Thank you, Your Honor.   The United  
19      States calls Deputy Farris Wooton.

20                         FARRIS WOOTON,

21      called on behalf of the government, was duly sworn, was  
22      examined and testified as follows:

23                 THE WITNESS:   I do.

24                 THE COURT:   Please be seated.

25                 MR. RANK:   May I proceed, Your Honor?

WOOTON - DIRECT

1 THE COURT: You may.

2 MR. RANK: Thank you.

3 DIRECT EXAMINATION

4 BY MR. RANK:

5 Q. Good morning, Deputy Wooton.

6 A. Good morning.

7 Q. Deputy Wooton, could you state your full name and spell  
8 your last name for the benefit of the court reporter,  
9 please?

10 A. It's Farris Wooton. F-A-R-R-I-S. W-O-O-T-O-N.

11 Q. Deputy Wooton, where do you work?

12 A. United States Marshals Service here in the District of  
13 Minnesota.

14 Q. What's your job title?

15 A. Deputy United States Marshal.

16 Q. How long have you been a Deputy United States Marshal?

17 A. Sixteen and a half years.

18 Q. And what office do you work in?

19 A. District of Minnesota. We get bounced back and forth  
20 between St. Paul and Minneapolis.

21 Q. And have you been in the District of Minnesota your  
22 whole time as a Deputy U.S. Marshal?

23 A. I started in the Eastern District of Missouri in the  
24 St. Louis office for my first three years and then  
25 transferred here and been here ever since.

WOOTON - DIRECT

1 Q. What year did you transfer to Minnesota?

2 A. 2006.

3 Q. And do you have a specific job title within the office?

4 A. As far as like a collateral duty?

5 Q. Yes, sir.

6 A. District threat investigator.

7 Q. And have you had specialized training to be a district  
8 threat investigator?

9 A. Yes. I went to a 40-hour course down at the Federal Law  
10 Enforcement Training Center.

11 Q. And how long have you been a district threat  
12 investigator?

13 A. Since 2008.

14 Q. Do you have an even more specialized title that you have  
15 gotten within the past couple of years?

16 A. Yes, sir. I have had the opportunity to do an acting  
17 position as the protective intelligence investigator in our  
18 district two separate times.

19 Q. And are you currently the protective intelligence  
20 investigator for the district?

21 A. I am not.

22 Q. But you have been in the past?

23 A. Yes, sir.

24 Q. That's something that we have heard referred to as PII?

25 A. Yes.

WOOTON - DIRECT

1 Q. Can you describe a little bit about how the Minnesota --  
2 the District of Minnesota Marshals' Office is organized?

3 A. Yes. We, of course, have our management, the marshal,  
4 chief, assistant chief and supervisors. And then we have  
5 also what's nonsupervisory senior inspector jobs, so same  
6 pay grade as a supervisor, but you don't supervise anyone,  
7 and those are the jobs as a protective intelligence  
8 investigator, sex offender investigations coordinator, and  
9 our judicial security inspector.

10 Q. What kinds of things does the marshals service do in  
11 Minnesota?

12 A. I'm sorry?

13 Q. What kind of things does the marshals service do in  
14 Minnesota?

15 A. Fugitive apprehension, protection of the courts and the  
16 entire court family, transportation and production of  
17 prisoners, serve civil process.

18 Q. Have you had a lot of interactions with people over your  
19 time as a Deputy U.S. Marshal?

20 A. Yes, I have.

21 Q. And, in fact, you do prisoner transport at some point in  
22 time for people that are in jail and then brought to the  
23 courthouse?

24 A. Yes, sir.

25 Q. Is that something you have done a lot of?



WOOTON - DIRECT

1 A. Quite a bit.

2 Q. The protective intelligence investigator position, how  
3 was that position created?

4 A. It was formed from -- I'm not sure if anyone remembers.  
5 I think it was about early 2004. There was a federal judge,  
6 Judge Lefkow, in the Northern District of Illinois, Chicago,  
7 her husband and mother-in-law or mother were murdered in her  
8 house by a civil litigant that she had made a ruling on. Of  
9 course, that's one of our protectees. And after that case,  
10 the marshals service found a need for protective  
11 intelligence to be a very specific job that got a lot more  
12 attention in our agency.

13 Q. That's a position that you have held from time to time  
14 in the office?

15 A. Yes, sir.

16 Q. So you mentioned this, but in terms of providing  
17 protection to the judges in the district, are they referred  
18 to as your protectees?

19 A. Yes, sir.

20 Q. In your role as a protective intelligence investigator,  
21 did you overlap with Deputy Hattervig who testified  
22 yesterday?

23 A. I did.

24 Q. And did you, in fact, take that position over from him?

25 A. He was doing it as -- it was his full-time job, and then

WOOTON - DIRECT

1 he lateraled over to a supervisor position. So before they  
2 could fill the job again, I did it in an acting capacity,  
3 which is you get the pay increase and you can do it for up  
4 to 120 days at one time.

5 Q. What time periods was it that you were taking over that  
6 position for Deputy Hattervig?

7 A. When I took it over from him would have been -- I think  
8 I started in November of 2017 and then ended four months  
9 later.

10 Q. And let's go back to September of 2017. Do you remember  
11 that time period?

12 A. Yes, sir.

13 Q. And the jury has heard an interview, recorded interview  
14 with Mr. Ivers from September 1st of 2017. Do you recall  
15 that?

16 A. Yes, sir.

17 Q. In fact, were you present for that interview?

18 A. I was.

19 Q. I think Deputy Hattervig's voice is heard more often.  
20 Was he doing most of the questioning during that interview?

21 A. He was. He had a good rapport with Robert Ivers.

22 Q. We also heard through Deputy Hattervig an earlier  
23 recording from I believe January of 2017?

24 A. Yes.

25 Q. And were you involved -- first of all, were you at that

WOOTON - DIRECT

1 point in time a PII?

2 A. No, I was not.

3 Q. Were you involved in the interview with Mr. Ivers from  
4 January of 2017?

5 A. I was not.

6 Q. How was it that you came to be at the interview with  
7 Mr. Ivers on September 1st of 2017?

8 A. I'm a district threat investigator, as I said, so -- and  
9 I have been doing it for the longest time in our district,  
10 longer than anyone else, so a lot of times on threats  
11 anybody going out that's working one to do an interview will  
12 ask me to come along. And I try to stay current on all the  
13 threats we have in our district. I don't work them all, but  
14 I try to stay on top of them, and Robert Ivers was a pretty  
15 big one for us.

16 Q. Prior to going out to interview Mr. Ivers on  
17 September 1st, did you review some letters that he had sent  
18 to various judges and other parts of the court?

19 A. I did.

20 Q. And did you also learn about a phone call that he had  
21 placed to the deputy courtroom clerk for Chief Judge  
22 Tunheim?

23 A. Yes.

24 Q. Do you remember what the substance of that phone call  
25 was?

WOOTON - DIRECT

1 A. He had mentioned, you know, how angry he was, and a  
2 statement was made that he was a walking bomb.

3 Q. Did you learn at that point in time who he was talking  
4 about and what he was talking about when he referred to  
5 himself as a walking bomb?

6 A. He was talking about Judge Wright and the rulings she  
7 had made against him.

8 Q. Prior to going out to talk to Mr. Ivers on  
9 September 1st, did you review some of the letters that he  
10 had sent to judges and to the court?

11 A. Yes, sir.

12 Q. And as a district threat investigator, did you have some  
13 concerns based on review of those letters and the phone call  
14 that he made to Chief Judge Tunheim's clerk?

15 A. I did. And my concerns were the aggressive nature of  
16 the letters, the fixation on Judge Wright, the repeated  
17 mailings to multiple people, calling her corrupt, and the  
18 increased agitation against Judge Wright, coupled with the  
19 phrase "walking bomb" was very concerning to me.

20 Q. And that was -- you knew that before going out to speak  
21 with him on September 1st?

22 A. Yes, sir.

23 Q. After you spoke with Mr. Ivers on September 1st, did the  
24 marshals service stop paying attention to him?

25 A. No, sir. We kept our threat case opened and continued

WOOTON - DIRECT

1 to monitor.

2 Q. And at some point in time after that conversation with  
3 Mr. Ivers did you become the PII? I think you mentioned  
4 November of --

5 A. Yes. November of 2017 is when I officially became paid  
6 for it, so that's when they consider it starting.

7 Q. So that means that your primary or one of your primary  
8 roles was to be investigating specific threats?

9 A. It would be my only role as a PII.

10 Q. Okay. Starting in November of 2017?

11 A. Yes, sir.

12 Q. After you became the protective intelligence  
13 investigator, did you hear something about Robert Ivers  
14 again?

15 A. Yes, sir.

16 Q. And how did that come about?

17 A. I received a phone call from Kristine Wegner, who is the  
18 calendar clerk for District Judge Michael Davis.

19 Q. Okay. And what did you learn from her?

20 A. In the phone call she stated that Judge Davis wanted her  
21 to contact me about a threat that had been made against  
22 Judge Wright.

23 Q. And is Judge Wright at that point in time one of your  
24 protectees?

25 A. Yes, sir.

WOOTON - DIRECT

1 Q. And, in fact, is her courtroom in this courthouse?

2 A. It is.

3 Q. After you got the call from Judge Davis' clerk about the  
4 threat to Judge Wright, what did you do?

5 A. I contacted Judge Wright and wanted to inform her, make  
6 sure she knew and then kind of ask what she knew.

7 Q. When you got the report from Judge Davis' clerk, do you  
8 recall what it was that she told you the threat was?

9 A. From the clerk?

10 Q. Yes, sir.

11 A. I don't know if the clerk told me what the threat was.

12 Q. Okay.

13 A. Just that there was a threat.

14 Q. And when you contacted Judge Wright, did you know what  
15 the substance of the threat was, when you were communicating  
16 to her, or just that there had been a threat?

17 A. Just that there had been a threat.

18 Q. Okay. After you contacted Judge Wright, did you do  
19 anything else?

20 A. I did. Judge Wright informed me what she knew, which  
21 was who the threat was made to, and I contacted that person.

22 Q. Okay. Who the threat had been communicated to?

23 A. Yes.

24 Q. And so did she appear to already know that that threat  
25 had been made by the time you spoke with her?

WOOTON - DIRECT

1 A. She did.

2 Q. And so who was it that she said the threat had been made  
3 to?

4 A. Lora Friedemann.

5 Q. Did you take some steps to contact Ms. Friedemann?

6 A. I did.

7 Q. What did you do?

8 A. I found her phone number online and gave her a phone  
9 call.

10 Q. And when you spoke to her, do you remember what date it  
11 was that you spoke to her?

12 A. February 28th of 2018.

13 Q. And in that first call, did you have an extensive phone  
14 call with her or would you describe it as less than  
15 extensive?

16 A. Brief.

17 Q. What was the purpose of the call?

18 A. I was wanting to know specifically what the threat was.

19 Q. And so you spoke to her by telephone?

20 A. Yes, sir.

21 Q. And what did you understand her to tell you the threat  
22 was?

23 A. You don't know the 50 different ways I plan to kill her.

24 Q. Did you write that down when you spoke to her?

25 A. I did.

WOOTON - DIRECT

1 Q. Did you also learn whether, in that phone call, whether  
2 she had -- how she had recorded that statement?

3 A. She told me that she wrote it down verbatim as it --  
4 right after it was said.

5 Q. So that's what you know after that first call with her;  
6 is that correct?

7 A. That's correct.

8 Q. Did you at a later time learn some more information from  
9 Ms. Friedemann about the phone call, including Mr. Ivers'  
10 demeanor and some of the other statements that he made?

11 A. Yes.

12 Q. In fact, did you speak to her a few different times over  
13 the ensuing months?

14 A. That's correct.

15 Q. Did Ms. Friedemann indicate, when you talked to her,  
16 that she perceived what Mr. Ivers had done as a threat  
17 against Judge Wright?

18 A. Yes.

19 Q. Now, when you interviewed Ms. Friedemann the first time,  
20 did you believe that what she said was "You don't know the  
21 50 different ways I plan to kill her"?

22 A. Yes, sir.

23 Q. And did you continue to believe that as you're going  
24 forward with the investigation?

25 A. I did.



WOOTON - DIRECT

1 Q. And, in fact, do some of your reports reflect that?

2 A. They do.

3 Q. We have heard a lot of conversation about the notes that  
4 Ms. Friedemann took during the phone call with Mr. Ivers,  
5 that she was writing down as he was speaking, and you've  
6 seen this in the courtroom because you have been sitting in  
7 the courtroom. At some point in time, deputy, did you  
8 receive these notes from Ms. Friedemann?

9 A. Yes. We received them after Judge Pratt made a ruling  
10 that we could.

11 Q. When you first talked to Ms. Friedemann, was she  
12 being -- was she kind of careful about providing you with  
13 the information?

14 A. She was. She made it very clear about attorney-client  
15 privilege and that she was not going to violate that.

16 Q. Okay. So at some point in time you got these notes; is  
17 that right?

18 A. Yes, sir.

19 Q. So let's go back. I'll take you back to February 28th  
20 of 2017. Well, first of all, let me -- you hear from  
21 Ms. Friedemann. What do you do after that first phone call  
22 with her?

23 A. After the first phone call, I made a report and entered  
24 some information into our JADA system that's been talked  
25 about and then started attempts to locate Robert Ivers to

WOOTON - DIRECT

1 interview him.

2 Q. Okay. And what was the purpose of that?

3 A. I wanted to assess the threat that had been communicated  
4 to me.

5 Q. And what kind of steps did you take?

6 A. Just started out like I normally do on a fugitive  
7 investigation, research through law enforcement and open  
8 source databases to try and find an address. And I chose to  
9 go with his driver's license address, which is one known to  
10 me. That's his brother's address in Hopkins.

11 Q. When you looked through the databases for Mr. Ivers, did  
12 it reflect a single address or multiple addresses?

13 A. There's multiple addresses. We have multiple listed for  
14 him, including a P.O. Box.

15 Q. We have looked at some letters that were -- the letters  
16 that were sent to the court by Mr. Ivers where some of  
17 those -- the return address on them listed as a P.O. Box for  
18 him?

19 A. Yes, sir.

20 Q. We have also seen some that were listed with North  
21 Dakota on them; is that correct?

22 A. That's correct.

23 Q. Did you know specifically where he was in February of  
24 2018?

25 A. At that time I did not.

WOOTON - DIRECT

1 Q. So you took some steps. You were starting to describe  
2 what steps you took. What did you do next?

3 A. We went to the brother's house to see if Robert was  
4 there and, if not, try and find some information about his  
5 whereabouts. And I did interview someone, and I was told  
6 that he might be in North Dakota living with a relative.

7 Q. And did you -- were you able to determine whether he had  
8 a relative in North Dakota?

9 A. I did, yes.

10 Q. What did you do after that?

11 A. After that I put together what's called a collateral  
12 lead that was talked about, and it's just a formal request  
13 for another district to perform an interview or something  
14 for us, and sent it to North Dakota.

15 Q. I'm going to back up actually to the 28th of February,  
16 after you got the report from Judge Wright's clerk and then  
17 spoke to Ms. Friedemann. Did you speak to anybody else  
18 about the threat around that time period?

19 A. My management and I spoke with Judge Wright and I also  
20 spoke with Jeff Hattervig, and I can't remember anyone else  
21 right off the top of my head.

22 Q. Did you notify -- and I don't want you to testify about  
23 what city it is, but did you notify local police in the city  
24 in which Judge Wright lived?

25 A. I did. I called local law enforcement and asked for

WOOTON - DIRECT

1 increased patrol around her residence.

2 Q. About what? About whom?

3 A. About Robert Ivers. And they had a picture and they  
4 knew who he was and what had been done.

5 Q. So you made some efforts to locate Mr. Ivers. You spoke  
6 to somebody at his brother's house, and you find out that he  
7 might be in North Dakota. And then you send the lead up to  
8 North Dakota?

9 A. Yes, sir.

10 Q. Did that go to Deputy Seyfried?

11 A. It went to the Judicial Security Inspector Bill Klug and  
12 then was worked in conjunction with Matt Seyfried.

13 Q. At some point in time before the interview took place  
14 did Deputy Seyfried reach out to you to get some additional  
15 information?

16 A. He did.

17 Q. Did you put him also in touch with Deputy Hattervig?

18 A. Yes, sir.

19 Q. Why was that?

20 A. Jeff Hattervig had a lot more information at the time  
21 about Robert Ivers and the case and had a good rapport with  
22 Robert and had a lot of good information to provide.

23 Q. Okay. And so connected the two of them, so Deputy  
24 Seyfried could have a little bit more information before  
25 going out there?

WOOTON - DIRECT

1 A. Yes, sir.

2 Q. And, Deputy Wooton, why was it, as a threat  
3 investigator, why was it that you wanted to go out and have  
4 Deputy Seyfried interview Mr. Ivers?

5 A. I was wanting to find out if Robert Ivers planned on  
6 carrying out this threat that he had made.

7 Q. So you send the lead to Deputy Seyfried. Did you  
8 eventually hear back from him?

9 A. I did.

10 Q. Did you hear back from him -- I think we saw the  
11 interview with Mr. Ivers took place on March 14th of 2018;  
12 is that right?

13 A. Yes, sir.

14 Q. Did you hear from Deputy Seyfried that day?

15 A. I did.

16 Q. And what, if anything, did he report to you?

17 A. He gave me a phone call just to let me know how it went.  
18 And he basically explained what the jury heard on the  
19 interview, that he was very irate, punching walls, hitting  
20 things, screaming, yelling, cussing, using hate-filled  
21 speech, the N word, and basically wouldn't interview with  
22 them, just was screaming and yelling at them.

23 Q. Did you get a recording of that interview to listen to?

24 A. I did.

25 Q. How long after the interview did you get it?

WOOTON - DIRECT

1 A. It was either that day or the next day.

2 Q. Was one of the purposes of having Deputy Seyfried go out  
3 and interview Mr. Ivers was to get some comfort that he  
4 wasn't going to act on his threat?

5 A. Yes.

6 Q. After hearing back about that interview and listening to  
7 the recording, did you get any comfort?

8 A. I had zero comfort after that.

9 Q. So after hearing back from Deputy Seyfried, did you take  
10 some steps to try to monitor Mr. Ivers' location?

11 A. I did. I applied and received -- applied for and  
12 received a phone warrant for Robert Ivers' cell phone.

13 Q. Okay. And so, first of all, why did you want to know  
14 his location?

15 A. I wanted to keep track of Robert Ivers and make sure he  
16 didn't go anywhere near Judge Wright.

17 Q. So you said you got a phone warrant. Does that mean you  
18 get to listen to what he was saying on the telephone?

19 A. No, not a phone tap. It was just a warrant -- I think  
20 we had to get a search warrant through the district here,  
21 but the information I was wanting was location. And with  
22 his cell phone, cell phone provider, the location that they  
23 will give you is basically just cell tower information. So  
24 whenever the cell phone would connect to a cell tower, I  
25 would get an email with a link to a Google map and I could

WOOTON - DIRECT

1 click on that and it would show me the tower that the phone  
2 had just connected to.

3 Q. So it's not like a real-time GPS device to show where he  
4 is all the time?

5 A. No.

6 Q. Only when he is using the phone and when it connects  
7 with a cell tower?

8 A. Yes, sir.

9 Q. But that gives you some kind of, at least, loose  
10 location?

11 A. It does.

12 Q. You can tell what city he is in and things like that?

13 A. Correct.

14 Q. And did you also determine at that point in time -- make  
15 some decisions about charging?

16 A. Yes, sir. I thought it was time that I needed to  
17 contact the United States Attorney's Office and look to  
18 indict Robert Ivers.

19 Q. And how long was it between when Deputy Seyfried spoke  
20 with Mr. Ivers and when he was charged?

21 A. I believe he was charged on April 18th, was when the  
22 indictment came out.

23 Q. So between March 14th and April 18th?

24 A. Yes, sir.

25 Q. Did you have that -- the phone warrant in place that

WOOTON - DIRECT

1 whole time?

2 A. I did.

3 Q. And, in fact, did the phone warrant show that he was in  
4 North Dakota for most of that time?

5 A. Most of the time, yes.

6 Q. Was there a time period where it showed that he wasn't?

7 A. Yeah. I believe it was around April 4th that he -- the  
8 cell towers were starting to ping along Interstate 94 and  
9 ended up down in the Minneapolis area, Hopkins I think.

10 Q. Did you do anything in response to seeing Mr. Ivers'  
11 phone moving towards the Twin Cities?

12 A. I did. I contacted you, and we were looking to seek an  
13 arrest warrant, a complaint.

14 Q. In that time period?

15 A. In that time period, yes, sir.

16 Q. Did you continue to monitor Mr. Ivers' location?

17 A. I did.

18 Q. And did he stay in the Twin Cities area?

19 A. No. Well, he stayed -- he didn't go farther than  
20 Minneapolis, farther east, and he wasn't here for very long  
21 and went back to North Dakota.

22 Q. Okay. And then after that there were steps taken to get  
23 an indictment for charging; is that correct?

24 A. Yes, sir.

25 Q. Deputy Wooton, I think you testified that mister --



WOOTON - DIRECT

1 well, you got an indictment or grand jury returned an  
2 indictment on April 18th of 2018?

3 A. Yes, sir.

4 Q. And did you testify in front of that grand jury?

5 A. I did.

6 Q. Indictment -- as a result of the indictment, was an  
7 arrest warrant issued?

8 A. Yes, sir.

9 Q. And did you arrest Mr. Ivers?

10 A. I did on April 20th.

11 Q. Can you describe how that arrest took place?

12 A. Yes. We went up on April 19th to Fargo, North Dakota,  
13 and made -- tried to make some arrangements with the Fargo  
14 office. They didn't have any bodies available to assist me  
15 on the arrest. I was fortunate enough to have two deputies  
16 from my district were in Bismarck the day before and were  
17 able to travel to Fargo on Friday morning. Actually, they  
18 came I think Thursday night. But then in the morning I had  
19 those two deputies with me, a task force officer from the  
20 District of North Dakota, and he's a border patrol agent,  
21 and a local Fargo officer or West Fargo officer. And we met  
22 early in the morning, formed our entry plan and went up to  
23 the residence, Janet Patterson's residence. I knocked on  
24 the door. Janet came to the door. We told her we had an  
25 arrest warrant for Robert. She said okay and told us that

WOOTON - DIRECT

1 he was in his bedroom downstairs, told us where it was. We  
2 went down there, went in the room, and he was in bed, and  
3 told him this was police with an arrest warrant and show us  
4 your hands, handcuffed him and went from there.

5 Q. Now, in Mr. Scott's opening he said you guys went in in  
6 black. And did you kick the door in? Did you do anything  
7 like that going in?

8 A. We didn't have to breach anything. Our body armor is  
9 actually green and no automatic weapons. We don't have  
10 those.

11 Q. That's because mister -- did Mr. Scott say you had  
12 automatic weapons in his opening?

13 A. He did.

14 Q. So he's arrested; is that correct?

15 A. Yes, sir.

16 Q. And you testified earlier that you had testified in  
17 front of the grand jury in connection with an indictment  
18 that was issued on April 18th of 2018; is that correct?

19 A. Yes, sir.

20 Q. And when you testified in front of the grand jury, how  
21 did you describe what Mr. Ivers had said about the 50  
22 different ways' statement?

23 A. I used the word plan.

24 Q. Is that what you believe that you had been told by  
25 Ms. Friedemann?

WOOTON - DIRECT

1 A. Yes, it is.

2 Q. Did you -- I think you testified earlier that at some  
3 point in time we got the notes from Ms. Friedemann, correct?

4 A. We did get the notes.

5 Q. And did you then go back to the grand jury and advise  
6 them of what was in those new notes?

7 A. I did go back, advise them that the notes contained  
8 planned and sought and received another indictment.

9 Q. Did the grand jury indict on that statement as well?

10 A. They did.

11 Q. Now, Deputy Wooton, a couple of housekeeping matters.  
12 Did you learn as part of your investigation where  
13 Ms. Friedemann and Ms. Rondoni Tavernier were during the  
14 February 27th, 2018, phone call?

15 A. I learned that they were in their office in Minneapolis,  
16 Minnesota.

17 Q. And did you also learn where Mr. Ivers was during that  
18 phone call?

19 A. Yes, sir. In West Fargo, North Dakota.

20 MR. RANK: I'm going to offer right now a  
21 stipulation that's been reached by the parties, Your Honor,  
22 and this is reflected in Government's Exhibit 30.

23 THE COURT: Okay.

24 MR. KELLEY: No objection.

25 THE COURT: Remember there was an instruction

WOOTON - DIRECT

1 about a stipulation. That's an agreement between the  
2 parties. So you should listen carefully, for counsel might  
3 read it or just offer it as an exhibit, whatever he's going  
4 to do.

5 MR. RANK: And, Your Honor, this is an exhibit, so  
6 it will be available for the jury as well.

7 THE COURT: All right.

8 MR. RANK: So I'm going to publish Exhibit 30, and  
9 this is a legal document, and I'm just going to blow up the  
10 portion that shows the agreement between the parties.

11 BY MR. RANK:

12 Q. Was there a Verizon Wireless witness that was scheduled  
13 to testify at this trial?

14 A. Yes, sir.

15 Q. And by getting this agreement between the parties, did  
16 we call off his testimony?

17 A. We did.

18 Q. And so the parties in this case, it says, have  
19 stipulated, that is, they have agreed, that if the Verizon  
20 Wireless employee Dion Morrow were called as a witness he  
21 would testify as follows. Do you want to read from  
22 paragraph 1?

23 A. Verizon Wireless has the ability to determine the  
24 location of subscriber cell phones at the time the phone is  
25 used to make a call.

WOOTON - DIRECT

1 Two, Mr. Morrow has reviewed records produced by  
2 Verizon related to a cell phone with the phone number  
3 952-529-8798.

4 Q. Can I stop you there?

5 A. Yes.

6 Q. What phone number is that?

7 A. Robert Ivers.

8 Q. And do you know that from a number of different sources?

9 A. I do.

10 Q. Do you want to go on to No. 3?

11 A. Three, a review of those records shows that there were  
12 two phone calls on February 27, 2018, between the cell phone  
13 with the phone number 952-529-8798 and a phone with the  
14 number 612-492-7265.

15 Q. Can you tell me, do you know whose number that is?

16 A. Anne Rondoni Tavernier's number.

17 Q. Okay. And then next?

18 A. Four, the first of these calls lasted approximately  
19 28 minutes and the second call, which was placed within two  
20 minutes after the first call concluded, lasted approximately  
21 1 minute.

22 And, five, a review of cell tower records shows  
23 that the cell phone with the phone number 952-529-8798 was  
24 physically located in North Dakota during both of the calls  
25 with the number 612-492-7265 on February 27th, 2018.

—WOOTON - CROSS—

1 Q. And then it says you should accept that as being  
2 Mr. Morrow's testimony just as if it had been given here in  
3 court on the witness stand?

4 A. Yes, sir.

5 Q. That's the agreement of the parties. And is this sort  
6 of a long way of saying that when the phone call between  
7 Mr. Ivers and Ms. Friedemann and Rondoni Tavernier took  
8 place on February 27th they were here in Minnesota and he  
9 was in North Dakota?

10 A. Yes, sir.

11 Q. Thank you, Deputy Wooton.

12 MR. RANK: I have no further questions.

13 MR. KELLEY: Your Honor, it will take me about a  
14 minute and a half, two minutes.

15 THE COURT: That's fine.

16 CROSS-EXAMINATION

17 BY MR. KELLEY:

18 Q. It's still morning for another few minutes. Good  
19 morning, Deputy Wooton.

20 A. Good morning.

21 Q. I'm going to jump straight to the September 1st, 2017,  
22 interview.

23 A. Okay.

24 Q. Did you and Deputy Hattervig go to Mr. Ivers' residence,  
25 the place he is staying, in Minnetonka?

—WOOTON - CROSS—

1 A. Yes, sir.

2 Q. You were concerned about a comment that Mr. Ivers had  
3 said about being a walking bomb.

4 A. That's correct.

5 Q. You wanted to see what he meant.

6 A. Yes.

7 Q. Whether or not he was actually serious about that.

8 A. That's correct.

9 Q. So you talked to him, and the jury heard the testimony  
10 -- or the recording, rather, but Ivers said to you and  
11 Deputy Hattervig that I'm not going to hurt anybody. Do you  
12 remember him saying that?

13 A. I do.

14 Q. So then that was actually a pretty long interview,  
15 wasn't it?

16 A. Yes, it was.

17 Q. You talked about his band Beatlestone at the end of it?

18 A. Yes, sir.

19 Q. Sometimes he likes to go off on tangents and talk about  
20 strange things like that, right?

21 A. That time, I guess, in that interview he did.

22 Q. But at the end of the September 1st interview you didn't  
23 charge him, did you?

24 A. No.

25 Q. And one of the other points of going to see him on

—WOOTON - CROSS—

1 September 1st was to get him to stop sending letters to the  
2 judges.

3 A. And to mitigate the threat, yes, sir.

4 Q. All right. So mitigate the threat, stop sending  
5 letters. Stop calling too?

6 A. That would be preferable, yes.

7 Q. So after September 1st isn't it true that Mr. Ivers did  
8 not send any letters to the federal judges here?

9 A. Yes, sir.

10 Q. He did not call any of these federal judges after that?

11 A. Yes, sir.

12 Q. And no emails?

13 A. Yes, sir.

14 Q. No correspondence whatsoever?

15 A. None that I am aware of.

16 Q. And that includes Judge Wright?

17 A. Yes, sir.

18 Q. So you were there to get him to stop doing that and he  
19 in fact did?

20 A. For that time being he did, yes, sir.

21 Q. Well, he didn't send any correspondence to any of these  
22 federal judges after August or September 1st, 2017?

23 A. He didn't mail anything, that's correct, that I'm aware  
24 of.

25 Q. So then some time November he files this second civil



—WOOTON - CROSS—

1 lawsuit with Magistrate Schultz?

2 A. Yes, sir.

3 Q. Then he gets referred by the Pro Se Project to  
4 Ms. Rondoni Tavernier and Ms. Friedemann?

5 A. Yes, sir.

6 Q. Okay. So that takes us through December and still there  
7 is no correspondence with the federal judges here.

8 A. Nothing I'm aware of.

9 Q. Okay. February 27th, 2018, that's the date of the phone  
10 call. It's very clear Mr. Ivers is in West Fargo, North  
11 Dakota.

12 A. Yes, sir.

13 Q. Have you been there?

14 A. I have.

15 Q. About four hours? Is that how long it takes to get  
16 there?

17 A. Four and a half, I would say.

18 Q. Four and a half hours?

19 A. It depends on when you catch traffic out of the city  
20 here.

21 Q. Four and a half hours from the Twin Cities?

22 A. I would say, yes.

23 Q. And did you know at this point that Mr. Ivers did not  
24 have a car?

25 A. No, I didn't know the status of a vehicle for him.

—WOOTON - CROSS—

1 Q. You knew at one point he was living out of a truck and  
2 the truck broke down?

3 A. I only know that it broke down after hearing something  
4 about that today or in this trial, I guess.

5 Q. Okay. So February 27th is the phone call that we're all  
6 here to talk about. Let's talk about how you received word  
7 of Mr. Ivers' alleged threat.

8 A. Yes, sir.

9 Q. So it's February 28th. That's 24 hours after this phone  
10 call.

11 A. Correct.

12 Q. Ms. Friedemann waits 24 hours and calls Tiffany Sanders,  
13 correct?

14 A. She called Tiffany Sanders, yes.

15 Q. Then Tiffany Sanders reports something to Judge Davis'  
16 chambers?

17 A. Yes. She called -- yes.

18 Q. And she may not have reported what Mr. Ivers actually  
19 said?

20 A. I don't think initially she did.

21 Q. She might have just said there was a threat.

22 A. I think that's what she testified to.

23 Q. So she doesn't use his words, his exact words from the  
24 phone call.

25 A. Not on the first contact with Judge Davis.

—WOOTON - CROSS—

1 Q. So then Tiffany Sanders calls Judge Davis' chambers,  
2 passes along that information. Judge Davis calls you, is  
3 that correct, or was it his clerk?

4 A. It was his calendar clerk Kristine Wegner.

5 Q. So Kristine Wegner calls you and says a threat has been  
6 made.

7 A. Yes.

8 Q. She doesn't use the language.

9 A. No.

10 Q. Okay. Because she doesn't know it?

11 A. That's my assumption, yes.

12 Q. But you don't really know what was said before Judge  
13 Davis' assistant calls you.

14 A. I didn't know.

15 Q. Okay. So after you hear that there's a threat from  
16 Judge Davis' assistant, you call Ms. Friedemann.

17 A. I called Judge Wright next.

18 Q. Okay. So you called Judge Wright. You report the  
19 threat, alleged threat to her for the first time.

20 A. No, I didn't report the threat to her. I called to ask  
21 if she knew there was a threat against her and find out what  
22 all she knew.

23 Q. You didn't use the words that Mr. Ivers said because you  
24 didn't know them at this point.

25 A. That is correct.

—WOOTON - CROSS—

1 Q. All you were going on was that you had been told there  
2 was a threat, generally?

3 A. This was the start of my investigation, yes.

4 Q. Okay. And somebody had already told Judge Wright that  
5 before you even called her?

6 A. From the testimony that's what I believe.

7 Q. Okay. And she still -- Judge Wright did not know what  
8 Mr. Ivers had actually said?

9 A. I'm not sure if she did at that point or not.

10 Q. There was a lot of information going around between a  
11 lot of people at this point, right?

12 A. All I know is what I did. I heard from Kristine. I  
13 called Judge Wright, and I went from there.

14 Q. Okay. So you call Ms. Friedemann. You ask her about  
15 this alleged threat. And she tells you, quote, well, he  
16 said, quote, "You don't know the 50 different ways I plan to  
17 kill her," present tense.

18 A. That's what I perceived, yes.

19 Q. You heard plan, present tense?

20 A. I heard plan, present tense.

21 Q. And this is the only statement that she discloses to you  
22 on February 28th.

23 A. Yes.

24 Q. So this is all you have to go on for your investigation  
25 going forward, is Ms. Friedemann's one statement?

—WOOTON - CROSS—

1 A. That's all I needed, yes.

2 Q. And as part of your investigation, you know that  
3 Mr. Ivers did not communicate these words to Judge Wright,  
4 did he?

5 A. Not directly to Judge Wright, no.

6 Q. He said them to Ms. Friedemann and Ms. Rondoni Tavernier  
7 only?

8 A. Yes, sir.

9 Q. Okay. So let's go to March 14th. So now you're  
10 concerned about what Mr. Ivers said on February 27th.

11 A. I am.

12 Q. You wait -- I don't know -- a little over two weeks to  
13 send deputies out to talk to him.

14 A. I wasn't waiting for that to happen. I was conducting  
15 an investigation during that time.

16 Q. Okay. But it's two and a half weeks before somebody  
17 goes out to ask him whether or not he's actually serious  
18 about what he said.

19 A. From the -- yes, it was March 14th, I believe, when they  
20 went out there.

21 Q. I guess that's two and a half weeks after the phone  
22 call, roughly?

23 A. Sure.

24 Q. And, again, their purpose was to figure out whether he  
25 was serious.

—WOOTON - CROSS—

1 A. Yes, to assess the threat and if he was going to carry  
2 it out.

3 Q. Because it's important to know whether or not he was  
4 serious.

5 A. It is important.

6 Q. So you dispatch Deputy Seyfried and Deputy Wickenheiser  
7 to Mr. Ivers' house, correct?

8 A. To Janet Patterson's house?

9 Q. Yes.

10 A. Yes, sir.

11 Q. His sister's house. And Ivers was obviously not happy  
12 to see them.

13 A. It didn't sound like he was, no.

14 Q. He didn't really talk to them much at all?

15 A. He kind of talked at them and didn't really have a  
16 conversation.

17 Q. And Deputy Seyfried's conclusion from that was he  
18 couldn't tell whether there was a credible threat or whether  
19 there was no bite.

20 A. I believe that's what he testified to.

21 Q. So he didn't know if he was serious.

22 A. He said there should be more investigation and this guy  
23 needs to be talked to some more.

24 Q. So then two days later, March 16th, you and Mr. Rank  
25 call Ms. Friedemann.

—WOOTON - CROSS—

1 A. Correct.

2 Q. And this is the second time now that you have  
3 interviewed her.

4 A. Okay.

5 Q. I mean, that's correct?

6 A. Yes.

7 Q. And during this phone call on March 16th Ms. Friedemann  
8 again tells you that Mr. Ivers said, quote, "You don't know  
9 the 50 different ways I plan to kill her."

10 A. Plan, yes, sir.

11 Q. Present tense.

12 A. Yes, sir.

13 Q. And that's what you wrote down in your report?

14 A. That is my belief. That's why I wrote it in my report.

15 Q. And she told you that she wrote down the statement  
16 verbatim.

17 A. Yes, sir.

18 Q. So then relying on this one statement from  
19 Ms. Friedemann, you obtained a search warrant to, for lack  
20 of a better word, tap Mr. Ivers' cell phone.

21 A. We didn't tap his phone.

22 Q. I mean, would you please describe what it actually --

23 A. Yeah. To me tapping is you are listening to a phone  
24 call, and we did not have that. It was just to track.

25 Different cell phone providers will provide you with

—WOOTON - CROSS—

1 different information. Some give GPS location. His cell  
2 phone provider only gave us tower location. The phone  
3 connects to a tower; I get an email about where that tower  
4 is.

5 Q. So I was listening during that, but can you describe --  
6 so Mr. Ivers makes a phone call. It pings off a cell phone  
7 tower. And what kind of message do you get?

8 A. I get an email with a link to a Google map, and you  
9 click on that link, the map comes up, a little blue dot  
10 showing the tower that the phone just connected to.

11 Q. Sir, if you want to flip through those. Do you  
12 recognize what those are? Deputy Wooton, do you  
13 recognize --

14 A. I do recognize this.

15 Q. Okay. What are they?

16 A. These are copies of the emails that I would receive from  
17 the cell phone provider.

18 Q. Okay. And it has a link to Google. You would click on  
19 that, and it'd pop up a map, and you would be able to tell  
20 the cell phone tower near Mr. Ivers' phone call?

21 A. The cell phone tower that it had connected to.

22 Q. Okay. Which would give you what?

23 A. Approximate -- I guess I don't know -- I'm not super  
24 versed on this on how far, it is different, I guess how far  
25 out it could be, the radius, but you get the cell phone



—WOOTON - CROSS—

1 tower that it's connecting to.

2 Q. Okay. So every time Mr. Ivers makes a phone call from a  
3 different tower, you get one of these alerts with a link to  
4 Google Maps telling you --

5 A. Which tower the phone is connected to.

6 Q. Okay. And Mr. Ivers has no idea that you're doing this  
7 with his phone, correct?

8 A. I would assume he does not.

9 Q. And the point of doing this was to make sure that he  
10 didn't visit Judge Wright.

11 A. So I could keep track of him and see if he was going to  
12 go anywhere near Judge Wright.

13 Q. Okay. Let's talk -- so you get this search warrant to  
14 start tracking his whereabouts on March 16th.

15 A. Yes.

16 Q. And you start -- you do in fact start tracking his  
17 whereabouts on March 16th.

18 A. I am getting the emails, yes.

19 Q. So then April 3rd, two to three weeks later, Mr. Ivers  
20 for the first time moves.

21 A. The 3rd or 4th, yes.

22 Q. So he sits in West Fargo where he lives between  
23 March 16th and April 3rd, does not go anywhere else.

24 A. That's correct.

25 Q. There's nothing unusual about that because he lives

—WOOTON - CROSS—

1       there, right?

2       A.   Well, he was staying there.

3       Q.   So then on April 3rd you receive one of these alerts  
4       that says Mr. Ivers is moving east on 94 towards the Twin  
5       Cities.

6       A.   Yes, sir.

7       Q.   And there's not a lot between West Fargo and the Twin  
8       Cities, right?

9       A.   Not a whole lot.

10      Q.   So it doesn't take much guessing to figure out where  
11      he's going.

12      A.   I was assuming he was coming to the Twin Cities.

13      Q.   Okay.   So the morning of April 3rd he leaves West Fargo.  
14      You get an alert that says that.

15      A.   I am not a hundred percent on the times.   I would have  
16      to look to confirm that.   But are these all the travel  
17      dates?

18      Q.   They are.   So they start on the 2nd, if you look at that  
19      first one.

20      A.   Yes, I see.

21      Q.   Okay.   Flip to the second one, and then it just starts  
22      going sequentially by date.   It has grid coordinates on  
23      there.

24      A.   Correct.

25      Q.   Okay.   So the morning of April 3rd he starts moving

—WOOTON - CROSS—

1       towards the Twin Cities.

2       A.   Yes, sir.

3       Q.   This is alarming to you.

4       A.   It is.

5       Q.   Okay.   Judge Wright lives in the Twin Cities.

6       A.   She lives down here, yes.

7       Q.   The Twin Cities is a pretty -- I mean, it just depends  
8       on where you live, but it's a pretty big geographic area.

9       A.   It is.

10      Q.   You have no evidence that Mr. Ivers knew where Judge  
11      Wright lived.

12      A.   I didn't know if he knew or not.

13      Q.   Judges don't normally publish their home addresses,  
14      correct?

15      A.   I don't know what judges normally do.

16      Q.   I mean, you do security for the courts here.   They do  
17      not publish their home addresses in the Yellow Pages, do  
18      they?

19      A.   I don't know.   We tell them a lot of stuff not to do and  
20      sometimes they listen, sometimes they don't.

21      Q.   But you didn't have any real reason to believe Mr. Ivers  
22      knew exactly where she lived.

23      A.   No.   As far as I'm concerned as a threat investigator,  
24      I'm assuming that he knows everything about Judge Wright.

25      That's why I'm concerned.

—WOOTON - CROSS—

1 Q. Okay. Where does Judge Wright live? General city.

2 MR. RANK: Objection. Relevance.

3 THE COURT: Sustained.

4 What relevance does it -- what does it --

5 MR. KELLEY: Your Honor, if --

6 THE COURT: Go ahead.

7 MR. KELLEY: If Deputy Wooton was concerned about  
8 where Mr. Ivers was headed, we should know generally where  
9 Judge Wright lives to determine whether or not they're even  
10 close in proximity. It's relevant to that.

11 MR. RANK: That can be asked in a way that doesn't  
12 disclose the city she lives in, Your Honor.

13 MR. KELLEY: Well, I guess I don't know the answer  
14 to the question I asked, so let me ask another one, Your  
15 Honor.

16 THE COURT: All right.

17 BY MR. KELLEY:

18 Q. Does she live on the east side of the Twin Cities?

19 A. She lives in the eastern part of the metro.

20 Q. Okay. So eastern Woodbury-ish, in that area?

21 MR. RANK: Objection. Relevance. It's the same  
22 thing.

23 THE COURT: What does it tend to prove that's at  
24 issue here, counsel? That's what I don't understand.

25 MR. KELLEY: If Mr. Ivers -- if he was concerned

—WOOTON - CROSS—

1       that Mr. Ivers was coming to the Twin Cities --

2               THE COURT:   Okay.

3               MR. KELLEY:   -- and he's able to track where  
4       Mr. Ivers is going and he goes nowhere near where Judge  
5       Wright actually lives, then it's not reasonable to be  
6       alarmed.

7               THE COURT:   Do you want to ask him, Did he go  
8       anywhere near where Judge Wright lives?

9               MR. KELLEY:   I don't know where she lives, Your  
10      Honor.

11              THE COURT:   Well, but he does.

12              MR. KELLEY:   Okay.

13      BY MR. KELLEY:

14      Q.   So let's finish tracking where Mr. Ivers goes that day.

15      A.   Okay.

16      Q.   Okay.   So he goes through -- he's on 94 heading towards  
17      the Twin Cities.   While he's heading towards the Twin  
18      Cities, you go see Mr. Rank.

19      A.   I believe it was a phone call.

20      Q.   Okay.   So you call Mr. Rank.

21      A.   Yes, sir.

22      Q.   Because you thought Mr. Ivers was headed to Judge  
23      Wright's house.

24      A.   That was going through my head, yes.

25      Q.   Okay.   So you have this conversation with Mr. Rank, and

—WOOTON - CROSS—

1 the two of you decide we need to seek an indictment.

2 A. I think we were going to go for a complaint.

3 Q. So a complaint would still get an arrest warrant for  
4 Mr. Ivers.

5 A. And that's what we were seeking.

6 Q. So you were seeking this arrest warrant based on the  
7 idea that he's traveling from West Fargo to go see Judge  
8 Wright.

9 A. Those were my thoughts.

10 Q. Okay. Let's keep tracking where Mr. Ivers went. So  
11 he's heading east on 94. At some point he stops in  
12 St. Louis Park. Is that what your Google alerts --

13 A. In the area. Like I said, it is not precise. It is a  
14 tower.

15 Q. So a cell phone tower pings him somewhere near, say,  
16 Highway 7 and 100. Do you remember one of the Google pings  
17 from there?

18 A. I think that I would take your word for that. It sounds  
19 correct.

20 Q. Okay. He lived in Hopkins for a long time, didn't he?

21 A. I think at his brother's address and -- yes.

22 Q. That's where -- he grew up in the west metro, correct?  
23 I mean, that's your understanding of his --

24 A. That's what I have heard, yes.

25 Q. Okay. And you also knew that he had lived in

—WOOTON - CROSS—

1 Minnetonka, which is pretty far out west in the Twin Cities.

2 A. It was kind of right on the eastern border of  
3 Minnetonka, so it was closer to the Twin Cities.

4 Q. So western suburbs?

5 A. Yes.

6 Q. And Judge Wright in fact lives in the eastern suburbs.

7 A. She is east. That's correct.

8 Q. So you are tracking Mr. Ivers. He stops in the  
9 St. Louis Park area and then traveled back to Minneapolis.  
10 He makes a stop in Minneapolis. Do you remember that?

11 A. I believe so, yes.

12 Q. Okay. Would it make sense that one of those Google  
13 pings is right near the bus depot at 394 at the downtown  
14 exit in Minneapolis?

15 A. That would make sense.

16 Q. So he stops there at some point, and then he goes  
17 straight back to West Fargo.

18 A. Yes.

19 Q. Okay. It takes him a while to get back to West Fargo,  
20 right? He doesn't --

21 A. It had to take a little bit.

22 Q. Is it possible there was a major snowstorm that day?

23 A. It is possible.

24 Q. Okay. If I told you the Google pings have him sitting  
25 in Alexandria overnight, would that make sense?

—WOOTON - CROSS—

1 A. I saw him sitting there, yes.

2 Q. There's a big bus depot in Alexandria, isn't there?

3 A. I'm not sure.

4 Q. Not sure. Okay. But he arrives home then -- if you  
5 flip to the last page, you finally get a ping saying he  
6 arrives home at 4:00 a.m. on April 4th. Those grid  
7 coordinates, West Fargo.

8 A. Yes, sir.

9 Q. Okay. So he sets out mid morning on April 3rd and is  
10 back in West Fargo 4:00 a.m. on April 4th.

11 A. Yes, sir.

12 Q. So less than a 24-hour trip.

13 A. Correct.

14 Q. Got stuck in a snowstorm along the way, maybe.

15 A. That's what it sounds like, yes, sir.

16 Q. So, in fact, he never went close to Judge Wright.

17 A. No.

18 Q. So your belief that he was going to see Judge Wright  
19 turned out not to be true.

20 A. Correct.

21 Q. But you went and saw Mr. Rank, and you two decided to  
22 seek a complaint for Mr. Ivers' arrest before you knew that  
23 Mr. Ivers just took a day trip down to the cities.

24 A. Yes.

25 Q. So at the point where you decided to seek an arrest



—WOOTON - CROSS—

1 warrant, you have one statement from Ms. Friedemann. "You  
2 don't know the 50 different ways I plan to kill her,"  
3 present tense.

4 A. Yes.

5 Q. So you and Mr. Rank decide to seek an arrest warrant and  
6 then -- so that's April 3rd. You don't sit before the grand  
7 jury until April 17th. Does that sound correct?

8 A. Yes.

9 Q. Okay. And you were the only witness that testified  
10 before the grand jury.

11 A. Yes.

12 Q. And the only statement you conveyed to the grand jury  
13 was "You don't know the 50 different ways I plan to kill  
14 her," present tense.

15 A. I believe I also brought up some of the other statements  
16 about the judge stealing my life, stacking the deck against  
17 me, throwing chairs. I believe those were testified to  
18 also.

19 Q. Okay. But you also told them, "You don't know the 50  
20 different ways I plan," present tense, "to kill her."

21 A. Yes, sir.

22 Q. Because that's the only statement you knew about. Well,  
23 I guess you just testified you knew the other three at this  
24 point. But those four statements; that's it.

25 A. I believe so.

—WOOTON - CROSS—

1 THE COURT: Mr. Kelley, are you going to be  
2 awhile? They have been sitting for an hour and 15 minutes,  
3 and we do need to take a break. So it's entirely up to you,  
4 if you want to continue, or we can --

5 MR. KELLEY: I can be done in less than ten, or we  
6 can take a break, Your Honor. I will leave it to you.

7 THE COURT: We will take you at your word, "less  
8 than ten."

9 MR. KELLEY: All right. Time myself.

10 THE COURT: All right. Do you want to stretch  
11 before he gets his ten minutes?

12 (Short break taken.)

13 MR. KELLEY: Just took twenty seconds of my ten  
14 minutes.

15 BY MR. KELLEY:

16 Q. Okay. So you get the indictment based off of those four  
17 statements, including the one that has plan, present tense.

18 A. Yes.

19 Q. Okay. Mr. Ivers then in fact is arrested based on that  
20 indictment.

21 A. Yes. I arrested him on April 20th.

22 Q. That's April 20th. I'm going to take you now to early  
23 August. So about a month ago. That's when Ms. Friedemann  
24 discloses her notes to the government for the first time.

25 A. Okay.

—WOOTON - CROSS—

1 Q. Is that correct? It's the first time you saw them?

2 A. Yes, the first time I saw them.

3 Q. And these are the notes from the February 27th phone  
4 call.

5 A. That's correct.

6 Q. They're redacted, though. You only have the second  
7 page.

8 A. Yes, sir.

9 Q. And the second page is those four statements you were  
10 just talking about, roughly?

11 A. Yes, sir.

12 Q. Okay. And her notes in fact read, "You don't know the  
13 50 different ways I planned to kill her," past tense.

14 A. That's correct.

15 Q. This was the first time you heard her say planned, past  
16 tense, isn't it?

17 A. Correct.

18 Q. Okay. So this is mid August now. The trial is less  
19 than a month away?

20 A. Yes, sir.

21 Q. You felt that this late revelation from Ms. Friedemann  
22 about whether or not she said plan or planned was important  
23 enough that you went back to the grand jury.

24 A. We did, yes.

25 Q. Okay. You tell the grand jury, well, we went off, for

—WOOTON - CROSS—

1 the original indictment, we went off the statement, "You  
2 don't know the 50 different ways I plan," present tense, "to  
3 kill her."

4 A. Yes, sir.

5 Q. Okay. And then you tell them now we have the notes; the  
6 notes say planned, past tense.

7 A. Yes, sir.

8 Q. Well, Mr. Rank asked you then, okay, well, in light of  
9 that revelation that it is not plan, it's planned, were you  
10 still concerned based on the pen communication, P-E-N?

11 A. Now I'm not sure what you are asking.

12 Q. Do you remember Mr. Rank asking you if you were still  
13 concerned despite the change in words based on a pen  
14 communication?

15 A. I'm not sure if I remember the pen communication  
16 statement.

17 Q. Do you have -- did I hand you your grand jury testimony?

18 A. No.

19 Q. So this is from the superseding indictment, and we will  
20 take you to page 24. Okay. So do you see the question  
21 going down from line 16 to line 25?

22 A. Yes, sir.

23 Q. Okay. Mr. Rank, after you discussed this change in  
24 words, plan to planned, Mr. Rank asks you, well, in light of  
25 everything else, were you still concerned based on this pen

—WOOTON - CROSS—

1 communication.

2 A. Yeah, that was asked and I was still concerned. I'm not  
3 sure what the pen communication means.

4 Q. The pen -- could it refer to the cell phone tracking?

5 A. I think that's P-I-N, but I'm not --

6 Q. Are you familiar with a pen register? It's kind of an  
7 old term --

8 A. Yes, sir.

9 Q. -- for tracking phones? Okay. Is it possible Mr. Rank,  
10 a little bit older than I am, but is it possible pen  
11 communication referred to the cell phone tracking?

12 A. I don't know what it refers to. This isn't familiar to  
13 me, and I don't actually remember this during the --

14 Q. Okay. So you don't remember him asking if you were  
15 still concerned based on this pen communication. And you  
16 said what?

17 A. I was still very concerned.

18 Q. Okay. You don't even know what the pen communication  
19 is, sitting here today.

20 A. No. It could even be a typo, I guess.

21 Q. So the change in those words was important enough for  
22 you guys to run back to the grand jury, correct?

23 A. We felt it was important.

24 Q. Okay. And then Mr. Rank is asking you about, okay, in  
25 light of this difference, were you still concerned based on

—WOOTON - CROSS—

1 a pen communication. You answer yes. But you don't know  
2 what the pen communication is?

3 A. No. I was concerned about the threat.

4 MR. KELLEY: One moment, Your Honor.

5 THE COURT: Yes.

6 (Counsel conferring.)

7 BY MR. KELLEY:

8 Q. Mr. Scott brings up a good point for the record, and  
9 that's why he's here, but -- so these four statements that  
10 were in Ms. Friedemann's notes --

11 A. Yes, sir.

12 Q. -- the throwing the chairs, stack the deck, those  
13 statements --

14 A. Yes, sir.

15 Q. -- the first time you learned about that was May 7th,  
16 2018. Does that sound right?

17 A. I'm not sure. I would have to refer to some reports, if  
18 you have them.

19 Q. Sure. There you are.

20 A. Thank you. Those statements are in this report.

21 Q. Okay. And in your report those four statements, this is  
22 May 7th, the first time you've heard anything else aside  
23 from "You don't know the 50 different ways I plan," present  
24 tense, "to kill her."

25 A. I'm not sure if it's the first time I heard them or not.

—WOOTON - CROSS—

1 I know that they are in this report, though.

2 Q. Okay. But you put in your report, again, plan, present  
3 tense, correct? That second page?

4 A. Yes, sir.

5 Q. So, again, Ms. Friedemann told you plan, present tense.

6 A. That's what I perceived, yes, sir.

7 Q. Okay. So for five months between February 27th and  
8 August, when Ms. Friedemann finally turns over her notes,  
9 you relied on her statement, "You don't know the 50  
10 different ways I plan," present tense.

11 A. I perceived it to be that and that's what I relied on.

12 Q. Okay. Then, in fact, you figured out you guys were  
13 mistaken. She had written down planned.

14 A. I did find that out, yes.

15 Q. In August?

16 A. I believe so, yes.

17 Q. So you are operating off of the mistaken belief that he  
18 had said that when you sought the arrest warrant.

19 A. I'm sorry. Could you ask that question again?

20 Q. You are operating off "50 different ways I plan" when  
21 you sought the arrest warrant.

22 A. That's what I had perceived and that's what I was --

23 Q. You were operating off that same statement, plan,  
24 present tense, when you sought the indictment.

25 A. The first indictment, yes. Yes, sir.

WOOTON - REDIRECT

1 Q. No further questions.

2 MR. KELLEY: And I think I've run out of time.

3 THE COURT: Mr. Rank.

4 MR. RANK: Thank you, Your Honor.

5 REDIRECT EXAMINATION

6 BY MR. RANK:

7 Q. Deputy Wooton, I will jump into it, so we can get to  
8 lunch. Mr. Kelley asked you about the interview in  
9 September of 2017 with Mr. Ivers. Do you recall some  
10 questions about that?

11 A. Yes, sir.

12 Q. And in that interview he asked you whether Mr. Ivers  
13 said, "I'm not going to hurt anybody"?

14 A. Yes, sir.

15 Q. If somebody -- even if somebody tells you that they are  
16 not going to hurt somebody, might they hurt somebody?

17 A. Yes, sir.

18 Q. And he asked you about the purpose of that interview in  
19 September of 2017, that it was somehow to just get him to  
20 stop sending letters to the court. Was that the only  
21 purpose of that interview?

22 A. It's always a threat assessment when you are doing a  
23 threat interview, so to assess the level of where Robert  
24 Ivers was with what he had been sending, was he elevated,  
25 was he going to act on any of the stuff he had been saying,



WOOTON - REDIRECT

1 was he still a danger to the courts and to our protectees.

2 Q. That's what is being assessed in January of 2017 when  
3 Deputy Hattervig first talked to him?

4 A. Yes, sir.

5 Q. And also in September of 2017 when both of you talked to  
6 him?

7 A. Yes, sir.

8 Q. And is one of the other purposes in September of 2017 to  
9 advise Mr. Ivers that he is scaring people with his words?

10 A. Yes, sir. Deputy Hattervig made it very clear.

11 Q. In fact, we saw that in the recording that he's being  
12 told to stop using threatening language.

13 A. Yes, sir.

14 Q. Mr. Kelley asked you a few times is that all you had to  
15 go on, is that all you had to go on, was this statement that  
16 you heard from Ms. Friedemann on February 28th that you  
17 understood to be the "You don't know the 50 different ways I  
18 plan to kill her."

19 A. Yes, sir.

20 Q. And he asked you if that was all you had to go on when  
21 you sought the arrest warrant, the indictment. That's not  
22 all you had to go on, was it?

23 A. It was cumulative of everything he had said, all the  
24 letters he had sent, everything he had written, his actions  
25 during interviews. That all adds up to make it even more

WOOTON - REDIRECT

1 concerning, the statement, the 50 different ways I plan to  
2 kill you.

3 Q. And that's -- you know that as of February 28th; is that  
4 right?

5 A. Yes.

6 Q. But before you decide that this is a chargeable criminal  
7 threat, you get some more information, right?

8 A. Yes.

9 Q. In March of -- March 14th of 2018?

10 A. Yes.

11 Q. Which I don't think is two and a half weeks from  
12 February 28th. I think that's precisely two.

13 A. About two weeks.

14 Q. But you get some more information. And that's the  
15 result of the interview that Deputy Seyfried did with  
16 Mr. Ivers.

17 A. Yes, sir.

18 Q. And did the level of anger being expressed by Mr. Ivers  
19 during that call focused on Judge Wright, combined with  
20 everything else --

21 MR. KELLEY: Objection, Your Honor. Leading.

22 THE COURT: Sustained.

23 BY MR. RANK:

24 Q. Did that contribute to your conclusion that this was a  
25 chargeable criminal threat?

WOOTON - REDIRECT

1 A. It did. Robert Ivers showed no remorse. He didn't say  
2 he was sorry for the statement, he didn't mean the  
3 statement. He didn't say he wasn't going to act. He was  
4 just still aggravated and fixated on Judge Wright. And  
5 there was zero comfort in that interview that he was not  
6 going to carry out a threat.

7 Q. And Mr. Kelley asked you whether he ever actually  
8 traveled to somewhere near, very near to where Judge Wright  
9 lived. Do you recall that line of questioning?

10 A. Yes, sir.

11 MR. KELLEY: Objection, Your Honor. Misstates the  
12 testimony.

13 THE COURT: Overruled.

14 BY MR. RANK:

15 Q. Do you recall that testimony and those questions?

16 A. I do.

17 Q. Where was Mr. Ivers located most of the time that you  
18 had that warrant to track his cell phone?

19 A. In West Fargo, North Dakota.

20 Q. And at some point in time when he traveled towards the  
21 Twin Cities did that increase your level of concern?

22 A. It did. And I should also add on that, with the phone  
23 and the cell tower information, he could have went and  
24 parked out front of Judge Wright's house, and I would have  
25 never known unless he used his phone while he was there,

WOOTON - REDIRECT

1       because it's not going to hit off a tower and send me an  
2       email unless he uses his phone. So I guess I don't  
3       ultimately know if he did.

4       Q. And once he is here in close proximity, do you have less  
5       control of the situation?

6       A. Yes. With the more cell phone towers, metro area, you  
7       don't really get as -- West Fargo, North Dakota, there's not  
8       that many cell phone towers, so you have a good idea where  
9       he is.

10      Q. At least with respect to when he's up in North Dakota  
11      and the cell phone is showing he is up in North Dakota, you  
12      have a better idea that he is there?

13      A. Yes, sir.

14      Q. A little more control over the situation.

15      A. Yes, sir.

16      Q. And, lastly -- and I'm looking at the transcript of the  
17      grand jury. And looking at it -- I'm not even sure -- is it  
18      possible that what was asked of you in the grand jury was,  
19      Were you still concerned based on the entire communication?

20      A. Yes, sir.

21      Q. Does that make more sense, in light of what your answer  
22      was?

23      A. It does.

24               MR. RANK: I have no further questions.

25               THE COURT: Okay. Mr. Kelley, any recross?

—WOOTON - RECROSS—

1 MR. KELLEY: A couple questions, I believe, Your  
2 Honor.

3 RECROSS-EXAMINATION

4 BY MR. KELLEY:

5 Q. Deputy Wooton, Mr. Rank was just talking to you about  
6 Mr. Ivers traveling down to the city on April 3rd.

7 A. Yes, sir.

8 Q. That was the day he did the quick -- less than 24-hour  
9 turnaround?

10 A. That's correct.

11 Q. There were no restrictions on Mr. Ivers' travel, right?

12 A. Correct.

13 Q. So he wasn't somehow under some court order prohibiting  
14 him from coming to the Twin Cities where he lived?

15 A. No. He could come to the Twin Cities.

16 Q. Nothing unusual about him coming back to the place that  
17 he lived before.

18 A. No. He can do that.

19 Q. And just to be clear, I think Mr. Rank said that -- I  
20 asked whether or not Mr. Ivers was very close to where Judge  
21 Wright lived. Not knowing where Judge Wright lives, where  
22 Mr. Ivers was was not very close, was it?

23 A. Your definition of "very close" could be different than  
24 mine.

25 Q. Is it 25 miles away?

—WOOTON - RE CROSS—

1 A. I don't know. And, like I said, with the cell tower  
2 information, I don't ultimately know where he was the entire  
3 time he was here, only when it pinged off a tower.

4 Q. He did not know you were tracking his phone, correct?  
5 You testified to that.

6 A. I assume that he did not.

7 Q. And so he would not be, you know, weary of making calls  
8 and pinging off of towers, correct?

9 A. I'm not sure if he would or not.

10 Q. But he wouldn't know that you were tracking every time  
11 he made a phone call, it would be able to tell you where you  
12 were at.

13 A. He wouldn't know that I was tracking him, no.

14 Q. If he wanted to go see Judge Wright and made a phone  
15 call, he would have no idea you were tracking him.

16 A. I assume he doesn't know that I was tracking his phone.

17 Q. All right.

18 MR. KELLEY: No further questions, Your Honor.

19 Thank you.

20 THE COURT: Thank you.

21 You may be excused.

22 Ladies and gentlemen, we are going to take our  
23 afternoon recess. We will be in recess till 1:45.

24 The lawyers should stay.

25 THE CLERK: All rise.

1                   **IN OPEN COURT WITHOUT THE JURY PRESENT**

2                   THE COURT: Please be seated.

3                   Mr. Rank, do you want to tell me where we are in  
4 terms of your presentation?

5                   MR. RANK: I believe, Your Honor, when the jury  
6 returns, the government will be resting.

7                   THE COURT: All right. And, Mr. Kelley, you are  
8 ready to proceed after lunch?

9                   MR. KELLEY: Yes, Your Honor.

10                  THE COURT: How do you want to handle your Rule 29  
11 work?

12                  MR. SCOTT: Well, if the government is actually  
13 resting, this would be a good time for it.

14                  THE COURT: All right.

15                  MR. SCOTT: And without belaboring any of the  
16 points, Your Honor, pursuant to Rule 29 of the Federal Rules  
17 of Criminal Procedure, we move for a judgment of acquittal  
18 from the court on the grounds that the government has not  
19 proven, has not offered sufficient evidence even looked at  
20 in the best light of the jury verdict, I mean, of the jury  
21 verdict they want -- finish a bad sentence there -- that  
22 from which they could find him guilty. They have not proven  
23 a threat beyond a reasonable doubt here.

24                  We have, I think -- I lost count on how many  
25 different versions of the statement that our client

1 supposedly made and they vary from thought, from imagined,  
2 from imagine, from plan, from planned. And it appears that  
3 the one that might be the best argument that there was a  
4 threat, which is I plan on killing the judge, that everyone  
5 who has testified so far agrees that that's not what he  
6 said.

7 And the government -- and it seems to me at this  
8 point we are talking about something that is not taking  
9 place now or in the future or, to quote the *Doe* case,  
10 presently or in the future and that -- so we haven't  
11 established a threat under what the various readings are.  
12 Depending on which one the jury grabs, if any, none of them  
13 constitute a present, a threat of a present or future plan  
14 to harm somebody.

15 THE COURT: All right. Thank you.

16 Counsel.

17 MR. RANK: Your Honor, I think we are in the state  
18 that we were in when we briefed this issue before the trial.  
19 So I think the court is very aware of the law on this, that  
20 the threat can be totality of the circumstances. It can  
21 take into context and it can take into context both verbal  
22 and nonverbal.

23 THE COURT: Well, the better practice here is, as  
24 the Court of Appeals has instructed district judges, we  
25 should submit the case and then if we are convinced that



1       there is insufficient evidence we can either grant another  
2       trial or grant judgment of acquittal following the verdict.

3               So the motions, plural, as to Counts 1 and 2 are  
4       overruled, taking the evidence in the light most favorable  
5       to the United States.

6               We will be in recess till 1:45.

7               THE CLERK: All rise.

8               (Recess taken from 12:36 p.m. till 1:45 p.m.)

9               **IN OPEN COURT WITH THE JURY PRESENT**

10              THE COURT: Please be seated.

11              Ms. Allyn or Mr. Rank, did you want to rest in  
12       front of the jury?

13              MR. RANK: Government rests, Your Honor.

14              THE COURT: All right. Thank you.

15              Ladies and gentlemen, we have now reached the  
16       point in the trial where the defendant may offer evidence on  
17       his behalf.

18              So the record, counsel, that we made outside the  
19       courtroom will apply after the government rested.

20              So, Mr. Kelley or Mr. Scott, you may proceed.

21              MR. KELLEY: Thank you, Your Honor. The defense  
22       calls Ms. Janet Patterson.

23              THE COURT: Ms. Patterson, could you remain  
24       standing for just a minute?

25              THE WITNESS: Yes, I will.

—PATTERSON - DIRECT—

1 THE COURT: Look at the ladies and gentlemen of  
2 the jury and raise your right hand, please, to be sworn as a  
3 witness.

4 JANET PATTERSON,  
5 called on behalf of the defendant, was duly sworn, was  
6 examined and testified as follows:

7 THE WITNESS: I do.

8 THE COURT: Please be seated.

9 DIRECT EXAMINATION

10 BY MR. KELLEY:

11 Q. Ms. Patterson, would you please spell your last name for  
12 the court reporter, please?

13 A. Yes. P-A-T-T-E-R-S-O-N. Patterson.

14 Q. And, Ms. Patterson, do you go by Jan or Janet?

15 A. Janet if you are mad at me or Jan if you are not.

16 Q. What does Bob call you?

17 A. He called me Jan.

18 Q. So you are Bob's sister?

19 A. Yes, I am. I am his only sister.

20 Q. Are you older or younger?

21 A. I am nine and a half years older than Bob.

22 Q. So tell me a little bit about yourself first. Where do  
23 you live?

24 A. I live in West Fargo, North Dakota. I have been there  
25 40 -- 43 years this year.

—PATTERSON - DIRECT—

1 Q. And your last name is Patterson. It used to be Ivers.  
2 Were you married at one point?

3 A. Yes, I was married at one point. And I never remarried,  
4 kept the name.

5 Q. How long have you been divorced?

6 A. 46 -- let's see. My son is 48. 42 years.

7 Q. And you have been in West Fargo ever since?

8 A. Yes, I have.

9 Q. What do you do for work?

10 A. I have a window covering business. I started out as  
11 just a home sewer for a very exclusive place in Edina,  
12 Minnesota, and I used to do piece work, and I did that for  
13 about three years. Then my husband was transferred to Fargo  
14 and we were separated, but I ended up going up there and I  
15 got there and he left. So I started my business and  
16 eventually branched out into Hunter Douglas window  
17 coverings, and I have been in business 43 years now.

18 Q. How old are you now?

19 A. I am going to be 75.

20 Q. Forgive me for asking. Do you still work?

21 A. I am -- my son and I work together. I am kind of  
22 semi-retired, but, yes, I still work. I have had some  
23 health issues, so I have had to slow down the last couple  
24 years.

25 Q. Why don't you tell me about some of these health issues

—PATTERSON - DIRECT—

1       that you have.

2       A.   Well, I had a couple strokes.

3       Q.   When did those happen?

4       A.   They would be about three years ago.   And then about two  
5       years ago I ended up having -- I found out I had hardening  
6       of the arteries of my brain and my heart, and I ended up  
7       having a craniotomy and open-heart surgery and a throat  
8       surgery, and I came out of that with a lot of chutzpah.   And  
9       about six months later I started to have chest pain again,  
10      and I in 2017, toward the end, I had some stents put in and  
11      here I am.   So I'm -- I feel pretty good, but I have my -- I  
12      can tell -- I don't know if it's because I'm going on 75 or  
13      because of the hardening of the arteries of the brain, I  
14      have got some like slower memory things.   I have to think  
15      things out.

16      Q.   Well, your memory is not shot.   You can remember things,  
17      right?

18      A.   I can remember things, yes.   The worst is names, but --  
19      yeah.

20      Q.   Names you have a problem with?

21      A.   Names.   Names would be the worst.

22      Q.   You remember mine, right?

23      A.   Yes, I do.   You are Brett.

24      Q.   So tell me about your family growing up.   Where did you  
25      guys live growing up as a family?

—PATTERSON - DIRECT—

1 A. We lived in Minnetonka, Minnesota. We moved there when  
2 I was seven and lived in the same house. My parents owned  
3 the house for 50 some years, I think about 52 years, so,  
4 yeah, that's --

5 Q. This is Minnetonka. Was it close to the lake or closer  
6 to --

7 A. It's closer to Ridgedale. And it was just a big old  
8 house, pretty joyful, big yard, two-acre yard, and, yeah, we  
9 loved it there.

10 Q. So we all know about Bob, your brother. But how many  
11 other siblings do you have?

12 A. I had four other brothers. One of them passed away  
13 when -- he was a couple years older than I am. He passed  
14 away from a heart attack at 50. And then there would be  
15 three other brothers, one seven years -- let's see. One  
16 that would be seven years younger, one that would be about  
17 eight and a half years younger and then Bob was the  
18 youngest. And so I was about nine and a half years old when  
19 Bob was born, so I kind of was a baby-sitter for all my  
20 younger brothers, because both my parents worked. So I was  
21 pretty close to them when they were young. I was the  
22 right-hand helper.

23 Q. You went to college?

24 A. I did go to college. I went to college when I was 18.  
25 Bob would have been about nine and a half years old then.

—PATTERSON - DIRECT—

1 And I went to Mankato State College. I went away. I lived  
2 down there for three and a half years.

3 Q. So what's the total span in years between the eldest and  
4 Bob, down to youngest?

5 A. Well, my brother Dave would have been 77 on 9-11. He  
6 had probably very little to do with Bob because just of age.  
7 They -- you know, not because he disliked him, but just  
8 that's where the age was. And, I mean, by the time I was  
9 18, I wasn't real interested in what was going on with any  
10 of my younger brothers, but I was still part of the family.

11 Q. So you went off to college. Bob stayed at home. What  
12 did Bob do when he turned 18 or college age?

13 A. Could you please repeat that?

14 Q. Yeah. So you went off to college when you were 18. And  
15 Bob was only nine and a half, right?

16 A. Mm-hmm.

17 Q. What did Bob do when he was about college age?

18 A. Well, what did Bob do when he was college age? Well, I  
19 think Bob was -- I don't know a whole lot about what Bob did  
20 in high school, because I was just busy with my own life. I  
21 mean, Bob was very helpful I know around the house. He was  
22 the youngest, and he was always a helper bee to my mother  
23 and my dad and I think -- we had a two-acre yard. There was  
24 always yard work. And Bob I do believe was a Cub Scout and  
25 played Little League and -- I mean, I love Bob. He was my

—PATTERSON - DIRECT—

1 baby brother. I can remember dressing him up, the poor  
2 thing, I don't know if he remembers that, and playing house  
3 with him and pulling him around in a wagon and doing all  
4 kinds of things just to be good sister.

5 Q. How much older was your father than Bob?

6 A. Well, my dad was 27 years older than my mother, so --  
7 when Bob was born, my dad was about 53. He was a pretty  
8 older father. And -- and then so he was like almost 52 and  
9 maybe close to 50 when my oldest of the youngest brothers.  
10 There was three of them that were, you know, kind of snap,  
11 crackle and pop, so.

12 Q. So did -- I'll stop you there. You've told me that your  
13 -- or Bob took care of your parents. Can you describe that  
14 for me?

15 A. Well, I think Bob was -- he was just -- my dad was older  
16 and he -- my dad was pretty demanding, and Bob was always --  
17 Bob was a real helper to my mom and dad. He was, you know,  
18 not a talk-back person that I remember, just a real good  
19 kid. And I'm not exactly sure what Bob did when he got out  
20 of high school, because at that point in time I was moving  
21 to Fargo and I was busy with my own life, so I can't even  
22 tell you exactly where Bob went when he graduated high  
23 school, but I know he graduated.

24 Q. Your father had health issues at the end of life?

25 A. Yeah. My father -- from the time he was 62 he no longer

—PATTERSON - DIRECT—

1       worked. He had had an injury at work, had fallen off a  
2       building or something and broke his elbow, and so he, you  
3       know, he needed help with the yard. And he was, like I  
4       said, he was kind of demanding.

5       Q. Did Bob take care of him at the end of his life?

6       A. Bob did, yes. And my mother. He took care of my mother  
7       for a year and about four months. She had a blockage and a  
8       bypass and got -- all of her lower extremities got  
9       gangrenous, and she had to have her intestines removed and  
10      she fed through her heart with TPN. And Bob for a year and  
11      a half put his life aside and took care of -- lived with her  
12      and did every single thing for her that she wanted and  
13      enjoyed. And Bob told me that he should -- it should never  
14      be thought of as work, but that it was something that he was  
15      honored to do.

16     Q. And he took care of your mother as well at the end of  
17     her life?

18     A. Yep.

19     Q. Or father, rather?

20     A. Father. My father was -- all of us took care of my dad  
21     on and off for ten years. My dad had strokes and almost was  
22     blind. And Bob was very compassionate. And we all, I mean,  
23     we come from a family that -- it's like an old-fashion,  
24     where you take care of your parents and you -- you just do  
25     that.



—PATTERSON - DIRECT—

1 Q. Okay. So how often did you see Bob on a regular basis?

2 A. After -- let's see. I moved to Fargo when I was towards  
3 30. I didn't see Bob a lot except holidays, a wedding, a  
4 new baby being born, because I was in North Dakota and he  
5 was in Minnesota. So I can't tell you all the first places  
6 that maybe Bob lived or -- I know he got married and he was  
7 married for almost ten years. And I did, I did see him, you  
8 know, on and off when I'd come home to visit, but it wasn't  
9 like you came home every week. And I didn't call him all  
10 the time. And as life went on after, I think, after Bob got  
11 divorced, he moved to California and then I really didn't  
12 see him -- you know, I didn't see him for a few years.

13 Q. Okay.

14 A. And he came back from California before my mother passed  
15 away and took care of her. That's when I saw him the most.

16 Q. So I'm going to fast forward to this past December. Bob  
17 came to live with you, didn't he?

18 A. Yes. He called me up and said he -- where he was  
19 living, the property had been purchased and the house was to  
20 be destroyed and he had to move. And he --

21 Q. And this was a -- stop you there -- this is a house in  
22 Minnetonka?

23 A. In Minnetonka, right. And he was having some difficulty  
24 finding a place to live and asked me if he could come up and  
25 spend a little time with me. And I said, oh, that would be

—PATTERSON - DIRECT—

1 great, I can use the -- winter was coming, shovel snow, we  
2 can get reacquainted and help with cooking and just visit.  
3 And I didn't care how long he stayed for. I knew it was  
4 going to be longer than two weeks. And after he got there  
5 I, you know, I thought stay till spring, if you have to.  
6 And we really never discussed any length of time after that,  
7 that he would stay, but I knew he would eventually be  
8 leaving.

9 Q. So he moved in mid December then?

10 A. I would say it was right -- I can't remember exactly,  
11 but maybe a week or two before Christmas.

12 Q. Can you describe Bob's daily routine? What did he do?

13 A. Well, he loved to eat, so he did cooking. And he slept  
14 in a little bit in the morning. And I was gone a lot during  
15 the day, but he was working on a project. He didn't at  
16 first share it with me. He said he had this great idea and  
17 he'd been working on it for quite sometime and he would tell  
18 me when he was ready to really share it.

19 Q. And this is -- stop you there. He's talking about a  
20 Pepsi --

21 A. Yes, he's talking about his Pepsi project.

22 Q. We will talk about that in a bit. What else did he do  
23 on a daily basis besides -- okay.

24 A. Well, he read the paper every day from front to back. I  
25 took the paper. And he was real big on news. He watched

—PATTERSON - DIRECT—

1 the news morning and night. And there were other -- Bob and  
2 I are both interested in history. He didn't watch stupid  
3 stuff on TV. He just -- he likes National Geographic,  
4 history and politics. He was pretty big on watching a lot  
5 of political things, but no stupid, nonsense, crime. That  
6 kind of stuff didn't interest him.

7 Q. And what was Bob's general mood while he was living with  
8 you?

9 A. Oh, real good mood. We always got along great. He was  
10 so gentle to me and always caring and telling me how  
11 wonderful I was and just a very sensitive person.

12 Q. Did you two do things together?

13 A. Well, we didn't go out and eat, because Bob liked to  
14 cook at home and he had favorites, and he would have meals  
15 ready for me a lot of times when I got home. And he loved  
16 the movies and the theater. He's a pretty artsy person.  
17 And we went to several movies. And you are going to ask me  
18 what they were and I'm not going to be able to remember  
19 them, but we went on Tuesdays. It is senior day for \$5 and  
20 free popcorn. So we went to several of them. I am sure we  
21 missed a couple Tuesdays, but we had a lot -- we enjoyed  
22 that.

23 Q. Bob had a normal routine?

24 A. I would say, for a person of our age or his age, I would  
25 say it was pretty normal. I have friends that are his age

—PATTERSON - DIRECT—

1       that they don't do too much during the day. They hang out  
2       or, you know, that's about it.

3       Q. Does Bob drink alcohol?

4       A. You know, I think two times in four months I went to the  
5       liquor store for him, and he wanted a six-pack of Bud Light.  
6       That was it. I don't -- I am not a drinker. I don't have  
7       alcohol at my house. I don't smoke and I don't drink. And  
8       Bob didn't smoke. And I don't know if you could say two  
9       times in four months was drinking. It's not, certainly, not  
10      a lot.

11      Q. How often did he go to the bar?

12      A. Never. Never.

13      Q. So he's a homebody then?

14      A. He's just a homebody, yeah. We liked just being home  
15      and snacking and watching TV and that was it.

16      Q. So you mentioned earlier this Pepsi. Can you tell me  
17      about Bob's Pepsi idea?

18      A. Well, when he finally did show it all to me -- he was  
19      working on it, and he worked on it a lot at my house. I  
20      would say every day. He was making a new -- new label for  
21      Pepsi-Cola, because Pepsi stock was pretty well down.  
22      There's so many sodas out there now that the competition is  
23      really tough; and it seems like if you have a good-looking  
24      can, sometimes that's what the young people buy. As a  
25      matter of fact, I just noticed they put Michael Jackson back

—PATTERSON - DIRECT—

1 on it, so it must be -- you know, young kids like kind of  
2 hip stuff.

3 Q. He's designing a --

4 A. He was designing something new for Pepsi-Cola. And did  
5 they know about it? I don't think so, but he was working on  
6 that and going to present it to them.

7 Q. When you say "present it to" Pepsi, what was he going to  
8 present to them?

9 A. Well, he was going to present this poster he had made  
10 up. And he actually had been to the print shop several  
11 times, and he had been designing the poster, been to the  
12 library.

13 Q. And you -- I'll stop you there, Janet. Can you describe  
14 this poster for us?

15 A. Yes. It's a space poster, and it's just what he thought  
16 would be a really cool thing with the times and -- I don't  
17 know. I thought I gave you a picture of it. I don't know  
18 if you could show them to --

19 Q. Would it refresh your memory if I hand you this --

20 A. Yes. Yeah.

21 Q. -- so you can describe it to the jury?

22 A. Yeah, it would. I actually picked this up at the print  
23 shop right after the incident that brought Robert here.

24 Q. Don't show it to the jury, Janet. But can you  
25 describe --

—PATTERSON - DIRECT—

1 A. Okay. Well, it's a space odyssey on -- a space man on  
2 a -- wherever he is at. I can see a bridge here and --  
3 there's a lot to it, and it's kind of hard to explain it,  
4 but it says Pepsi on it and it says earth altering, which  
5 would be your first drink of Pepsi, earth altering. And it  
6 says a new direction for everyone, everywhere, presenting a  
7 new age of enlightenment, making the world equal for  
8 everyone, defining the future. I think it's kind of cool.

9 Q. So how much time did Bob spend making this poster and  
10 making this new can for Pepsi?

11 A. Oh, he worked on it a lot every day. He went to the  
12 library. He was looking for the perfect ideas to put  
13 together to create this. And I took him to the library a  
14 variety of times. And I can't tell you specifically how  
15 many hours, because I wasn't around every day. I was doing  
16 my own business and -- but I know he did work on it every  
17 day.

18 Q. And he talked about his Pepsi plans a lot, didn't he?

19 A. Yes. He shared quite a bit with me. And we actually --  
20 I agreed that I would go with him to the Pepsi stockholders  
21 meeting, and so we started investigating that. And we  
22 bought some -- he and I split some Pepsi stock. We didn't  
23 buy a lot of it. We only needed to buy one share. I think  
24 we bought ten or so.

25 Q. How many -- you think you bought ten shares?

—PATTERSON - DIRECT—

1 A. Nine, eight, nine, ten. Enough to make us not look too  
2 cheap. That was our -- and then --

3 Q. So the two of you had a plan to go to the shareholders'  
4 meeting. Do you remember when the shareholders' meeting was  
5 going to occur?

6 A. Well, I think it was supposed to be about -- it was  
7 going to be in May somewhere before the 15th. I can't  
8 remember exact date now after all this.

9 Q. Would it refresh your memory to take a look at a letter?

10 A. Yeah, it would. It would.

11 Q. Would you tell me what that is?

12 A. This is a letter that Bob received from manager of  
13 shareholder relations, is the letterhead.

14 Q. And you have seen this before, correct?

15 A. Yes.

16 Q. Okay. You recognize it?

17 A. Yes.

18 Q. Okay.

19 A. And he had --

20 Q. So would you describe it for us, please, Janet?

21 A. Okay. It says, "This is in response to your letter  
22 requesting instructions to attend the next annual meeting.  
23 I apologize for the delay in responding to your letter.  
24 Historically, PepsiCo's annual meeting of shareholders is  
25 held on the first Wednesday in May."

—PATTERSON - DIRECT—

1 THE COURT: Ms. Patterson, would you slow down  
2 just a little bit for the reporter when you read?

3 THE WITNESS: Oh, certainly.

4 THE COURT: Okay. Thank you.

5 THE WITNESS: I thought I was in slow motion,  
6 but --

7 THE COURT: Mr. Rank.

8 MR. RANK: Sorry. I hesitate to interrupt  
9 Ms. Patterson, but I don't see the relevance of this line of  
10 testimony, so I'm just objecting on relevance.

11 THE COURT: Mr. Kelley.

12 MR. KELLEY: It goes to Mr. Ivers' state of mind  
13 during a relevant time period, so during this time period  
14 prior to February 27th, what he was doing, what he was  
15 thinking about.

16 THE COURT: Okay. Well, I don't know -- do we  
17 have that in the record? My notes don't reflect when he got  
18 to Fargo and before the arrest. I assume that's the time  
19 frame you are aiming at?

20 MR. KELLEY: So it would have been mid December  
21 when he arrived at West Fargo.

22 THE COURT: Okay. So this is relevant to show  
23 that during the time period of what he was doing?

24 MR. KELLEY: Yes.

25 THE COURT: Not threatening people? Is that it?



—PATTERSON - DIRECT—

1       Something other than --

2               MR. KELLEY: Right.

3               THE COURT: Okay. Well, to the extent it gives  
4 background for us, it is admissible. But could you shorten  
5 it up a little bit?

6               MR. KELLEY: Yes. Absolutely.

7               THE COURT: Okay. Thank you.

8 BY MR. KELLEY:

9 Q. Okay. So he wrote -- Bob wrote other letters. Let's go  
10 back to the letter you were reading. What is this letter  
11 communicating to Bob, generally speaking?

12 A. About when -- we were uncertain about the date of the  
13 stockholder meeting. And she wrote back and told us that,  
14 you know, we were welcomed to come and what the dates were.  
15 And then I went on to make reservations in a hotel and  
16 flight arrangements to go to this stockholders' meeting.  
17 And then, of course --

18 Q. Where was the stockholders' meeting?

19 A. It was in New Bern, North Carolina. Is it North  
20 Carolina or South Carolina? I can't even remember now  
21 with -- but New Bern. I believe it's North Carolina.

22 Q. Okay.

23 A. But it could have been South Carolina. I, yeah, I am  
24 mixed up with hearing all the stuff on the weather now, if  
25 it is North or South Carolina. In a little town there.

—PATTERSON - DIRECT—

1 It's where they hold it every year.

2 Q. So Bob sent some other letters to various people in the  
3 Pepsi organization about his ideas, didn't he?

4 A. That I cannot tell you exactly if he did. If you showed  
5 me a letter, I would --

6 Q. I'm going to show you a letter here. Do you recognize  
7 this?

8 A. Yes. Yes, I do. But at this time I was not with Bob.  
9 He was not with me in August of 2017, but this is -- I made  
10 this copy of this letter that he had sent.

11 Q. Do you recognize the handwriting as Bob's?

12 A. Yes. Absolutely.

13 Q. And --

14 A. This is again to this same lady.

15 Q. Okay. Who is that letter to?

16 A. It's to Marzita Bacoli [phonetic] and -- can I read the  
17 letter? It says, Dear Marzita Bacoli: You were very kind  
18 to send me the attached letter. I am going out -- let's  
19 see -- in hopes to make a pitch to PepsiCo. The attached  
20 letter to Jim Pohlada is -- I can't even say the word.

21 Q. That's all right.

22 A. Self-explanatory. It feels strange to be -- strange to  
23 make Pepsi to get me -- anyway --

24 Q. So he's asking -- what is he asking here for?

25 A. Can you help me get an appointment with the PepsiCo

—PATTERSON - DIRECT—

1 major decision makers. He's asking for an appointment to  
2 present his -- to present his post -- his can, new Pepsi can  
3 cover.

4 Q. Okay. So Bob is spending a lot of time working on his  
5 Pepsi idea.

6 A. Yes.

7 Q. Okay. And he's planning to go out to New Bern with you;  
8 is that correct?

9 A. Correct.

10 Q. Okay. In May?

11 A. In May.

12 Q. I'm going to transition to something else here. When  
13 Bob was living with you in West Fargo, how did he get  
14 around?

15 A. I took him or he didn't go anywhere, because -- he  
16 really just stayed home all the time, and if I took him to  
17 the grocery store or I took him to the print shop or I took  
18 him to the bank to meet with this gentleman. He, yeah, he  
19 was pretty much homeward bound.

20 Q. Did he have a car?

21 A. Well, not until a couple weeks before he left. We  
22 just -- we purchased a vehicle, so he was going to be able  
23 to have wheels.

24 Q. So when did he purchase this vehicle, do you think?

25 A. Oh, I would say it would be about two weeks before he

—PATTERSON - DIRECT—

1 was arrested.

2 Q. Okay. So if he was arrested on April 20th, it would  
3 have been the first, second week of April?

4 A. Right.

5 Q. How many times did he leave Fargo after he came to live  
6 with you?

7 A. Just one time and --

8 Q. Can you describe this one time?

9 A. Yes. He took a bus to Minneapolis and then back to  
10 Hopkins. It was a one-day bus ride. He was going to -- he  
11 needed to get some information out of his storage or  
12 somewhere about the Pepsi -- he had received a letter and he  
13 -- he needed to get that mail. Plus, he was going to the  
14 bank. So he left in the morning.

15 Q. So he was going to get these Pepsi things from Hopkins?

16 A. Yeah. Right, right. From Hopkins. He left in the  
17 morning. I think the bus left at, oh, man, 7 or 9:00 in the  
18 morning. It was going to really be tight for him, because  
19 he wanted to come back that night. And he got to the bus  
20 depot, took another bus to Hopkins. And then it was snowing  
21 really bad when mid -- through the day it started snowing.  
22 Anyway, he got all of his things accomplished, and he said  
23 he had to run to get on the bus. To get back to the bus  
24 depot in Minneapolis, he had to catch the bus in Hopkins, go  
25 back to Minneapolis, because the bus left at 9:00 at night

—PATTERSON - DIRECT—

1 in Minneapolis. And then as it turns out, it was, by the  
2 time they got to Alexandria, it was storming so bad they had  
3 to pull over. I think he said the bus had gone off the  
4 highway and it had to -- they were stranded in Alexandria  
5 until the storm calmed down, and he didn't get into Fargo  
6 until 4:00 in the morning.

7 Q. How did he get home?

8 A. Then I picked him up. I don't live too terribly far  
9 from the bus station, maybe a mile.

10 Q. So do you remember when, approximately, this one bus  
11 trip was?

12 A. That was in March. Boy, I don't have that date either,  
13 but --

14 Q. Would it be the end of March?

15 A. Yeah, it was near the end of March.

16 Q. Okay. Is it possible, based on your memory, it could  
17 have been a few days later?

18 A. It could have, because I do not have the date. I could  
19 just tell you it was a bad snowstorm. I probably -- I guess  
20 if I had known a little bit more about it I could have  
21 looked up the date, because I probably have it on my  
22 calendar at home.

23 Q. All right. But he only left West Fargo once, as far as  
24 you remember?

25 A. That's the only time, yes.

—PATTERSON - DIRECT—

1 Q. And he came right back?

2 A. Came right back.

3 Q. Okay. Now I want to talk about February 27th.

4 A. Okay.

5 Q. There was a phone call from his attorneys that day. Can  
6 you describe what was happening that morning?

7 A. We were having coffee upstairs, watching the news. I'm  
8 going to say we were watching Good Morning America, because  
9 that's on till 9:00 or something, but I could be wrong. It  
10 could have been a little bit later. Anyway, he got a phone  
11 call and he excused himself and went downstairs to talk on  
12 the phone, and I stayed upstairs with the television on, and  
13 that's the way that went.

14 Q. So Bob is downstairs. Can you describe your house for  
15 us?

16 A. I live in a bi-level. And he -- he had a bedroom  
17 downstairs and the family room. And I just know that he  
18 went down there, and I am thinking that he was in the  
19 bedroom. I didn't go down when he was talking on the phone,  
20 and I had the television on, but I did hear him talking  
21 loud, and I don't know for how long.

22 Q. So can you describe what he was saying on this phone  
23 call?

24 A. No, I wouldn't be able to tell you one word, because I  
25 had the television on myself. And I just knew that he was

—PATTERSON - DIRECT—

1 -- he was speaking louder than, you know, than if I was  
2 sitting in front of him.

3 Q. Okay. Then I'm going to move to -- okay. So he has  
4 this phone call. What does he do after the phone call?

5 A. After the phone call I believe he came upstairs. And I  
6 said, boy, that -- I think I said that was kind of loud.

7 Q. What did he say?

8 A. And that was about, that was about -- he said something  
9 about it was a lawyer he was talking to and he already had  
10 everything taken care of. He didn't really need him. And  
11 that was the end of the conversation. Bob didn't share a  
12 lot of his -- what was going on in his life. We didn't  
13 really talk about it.

14 Q. Okay. So he didn't really talk about the phone call  
15 much after?

16 A. No, no.

17 Q. What was his mood after the phone call?

18 A. He was in -- he was in a good mood.

19 Q. So after this phone call, yelling a bit, and then he was  
20 in a good mood?

21 A. Yeah. He came upstairs and he was just in a -- yeah. I  
22 don't remember if he came up the minute after, but when he  
23 did come up, yeah. It was shortly after the phone call.

24 Q. Okay. Did he talk about this phone call much afterward?

25 A. No, no.

—PATTERSON - DIRECT—

1 Q. Okay. Let's move to March 14th. You were paid a visit  
2 by a couple of marshals. Do you remember that?

3 A. Yes, I do. It was kind of unnerving for me, because I  
4 lead a pretty quiet, nice life. And I went downstairs, and  
5 they were ringing the doorbell. I didn't know who they  
6 were. I opened the door. I didn't open the storm door, but  
7 I opened the door.

8 Q. Ms. Patterson, what time of the day was it?

9 A. It was once again in the morning. I can't tell you  
10 exactly, but we could say 9:00, 9:30, in that area.

11 Q. What was Bob doing at this time?

12 A. He was sleeping, as far as I know.

13 Q. Okay. So describe to me what you remember after the  
14 marshals arrived.

15 A. Well, I went down -- they asked if Robert Ivers was  
16 there. And I said yes, he's downstairs sleeping. I said  
17 I'll get him. And I went downstairs and knocked on the door  
18 and opened it, and Bob was in bed. And I said can you come  
19 up, there's a couple of gentlemen outside the door wanting  
20 to talk to you. So I went back upstairs.

21 Q. Okay. You went back upstairs. What did you do then?

22 A. I went back upstairs and kind of stood in front of the  
23 door, and Bob came upstairs. And when he saw them, he, he  
24 yelled get or -- I think -- I don't know if he said what do  
25 you want, get out of here. And I am like wow, you know. I



—PATTERSON - DIRECT—

1 was kind of in shock. I didn't know what was going on. And  
2 then he, he -- I think he several times said just get out of  
3 here, get out of here.

4 Q. Okay. So I'll stop you there. How many times did Bob  
5 slam the door while the marshals were there, to your memory?

6 A. Well, there was no door for him to slam. I don't have a  
7 door coming up the stairs. I, as far as I remember, I was  
8 standing in front of the storm door and he was kind of  
9 standing in back of me on maybe the top, top step or  
10 something and maybe -- maybe he came up on the landing, but  
11 there is no door to slam.

12 Q. Do you remember him punching the wall?

13 A. No, I don't remember that. And I don't have any  
14 markings on -- I have been asked that, and I don't have any  
15 markings on the wall at all. That would be something I have  
16 -- if that happened, I don't know. I must have been looking  
17 in a different direction.

18 Q. So the marshals are there for how long?

19 A. I can't tell you that either. I was just -- I was  
20 really shocked over everything that was going on. I suppose  
21 they could have been there for ten minutes. I don't know if  
22 it was -- it wasn't very long.

23 Q. And after the marshals left, how was Bob?

24 A. Well, he went back downstairs and just cooled off. And  
25 I said, well, what -- you know, I wondered what it was all

—PATTERSON - DIRECT—

1       about and he really never told me. I guess -- I'm going to  
2       take that back. He just said I guess it was over some phone  
3       conversation he had and we let it be.

4       Q. So let's talk about George Tallman. Have you heard that  
5       name before?

6       A. Yes, I have.

7       Q. Did you know who it is?

8       A. It was a man that Bob got acquainted with and Bob ended  
9       up helping him and living with him for about -- I don't know  
10      how long -- three years, maybe.

11      Q. How much do you know about Mr. Tallman?

12      A. I really don't know anything about him. I never met  
13      him. I never was to the house. I couldn't even tell you  
14      where the house was. I was -- I lived in Fargo and I -- I  
15      don't even know if I really talked to Bob during that span  
16      that he lived with George Tallman. I would hear  
17      occasionally through my other brother that spent some time  
18      with him -- I would say how's Bob. And he would say, oh,  
19      yeah, everything is good.

20      Q. So you came to learn that Bob had a lawsuit over an  
21      insurance claim involving Mr. Tallman, right?

22      A. Yes.

23               MR. RANK: Objection. Leading.

24               THE COURT: Sustained.

25

—PATTERSON - DIRECT—

1 BY MR. KELLEY:

2 Q. What did you know about the insurance case with  
3 Mr. Tallman?

4 A. I really -- I really don't know anything about the  
5 insurance case other -- I mean, I only knew about the  
6 insurance case after Mr. Tallman died. And I guess I -- I  
7 don't know if I talked to Bob, I can't tell you, or through  
8 my brother. He told me that there was some -- some reason  
9 Bob wasn't getting paid for the insurance case, and I can't  
10 tell you what that was. I still don't know why he didn't.

11 Q. How often -- so Bob came to live with you in December.  
12 How often did he talk about this insurance case while he was  
13 living with you?

14 A. He just told me once that it was over with. He said  
15 it's all over and I moved on.

16 Q. Okay. So how often on a daily basis did he talk about  
17 it?

18 A. Oh, we didn't talk about it. Maybe -- I don't know. I  
19 suppose he could have -- something could have been said  
20 about it another time, but I really -- we didn't discuss it.  
21 I didn't know anything about it. And the man was gone, and  
22 he didn't get paid, and it's over with. That's the way I  
23 looked at it.

24 Q. You have heard the name Judge Wilhelmina Wright now.  
25 How often did Bob mention Judge Wright while he was living

—PATTERSON - DIRECT—

1 with you?

2 A. Well, a week ago I wouldn't have even known her name.

3 And I didn't -- he didn't mention her. He didn't talk about  
4 her.

5 Q. So on a daily basis how often?

6 A. No, not at all.

7 THE COURT: Mr. Kelley, could you look at  
8 611(a)(2)? And then if you'd come over to the side bar with  
9 counsel, I would like to discuss a matter.

10 You can stretch while the lawyers and I are  
11 talking.

12 (Side-bar discussion.)

13 THE COURT: Mr. Kelley, here's where I am at. I  
14 am somewhere between the heavy handedness that lets me use  
15 611 and Lance Ito. Now, you are too young to remember who  
16 that is, but that's a person that loses total control of the  
17 courtroom. Okay? So I don't really understand where we are  
18 going. To interrupt you I think is rude on my part, and I  
19 know counsel are hesitant to object, but, you know, it says  
20 mode and order of. So I think that we're wasting time.

21 MR. KELLEY: I'm close to being done.

22 THE COURT: Well, I just didn't know. And I  
23 hesitated to bring it up, because you should ask Mr. Scott  
24 when I say 611 on one side and Lance Ito on the other, so  
25 I'm somewhere I hope in the middle.

~~PATTERSON - DIRECT~~

1 MR. KELLEY: Okay.

2 THE COURT: Okay?

3 MR. RANK: Your Honor, thank you, because I did  
4 hesitate to object.

5 THE COURT: Right, but, well, and she's such a  
6 nice lady.

7 MR. KELLEY: I know I --

8 MR. RANK: Can I raise one other issue --

9 THE COURT: Yes, yes.

10 MR. RANK: -- is that I don't know if this is  
11 going to happen, but Mr. Scott raised the issue of Mr. Ivers  
12 spending time in jail in his opening, which I think is a  
13 nullification issue. It's not relevant to put that in. And  
14 so what I don't want to have Mr. Kelley do is ask about  
15 whether he's been sitting in jail for the last --

16 MR. KELLEY: I did not intend to.

17 MR. RANK: I just want to make sure, and also that  
18 Mr. Scott doesn't go there, but --

19 THE COURT: Okay.

20 (Side-bar discussion concluded.)

21 BY MR. KELLEY:

22 Q. Okay. Ms. Patterson, we were talking about how often  
23 Bob talked about his insurance lawsuit and Judge Wright.

24 A. Yes.

25 Q. What was consuming his time while he was staying with

—PATTERSON - DIRECT—

1       you?

2       A.   Well, his project with Pepsi and he did reading,  
3       watching TV.  He didn't have a big agenda every day, because  
4       he didn't.

5       Q.   Okay.

6       A.   I don't know what else to tell you.  That would be the  
7       truth.  He'd sleep.  He'd take some naps.  I think he was  
8       just enjoying living, being with me in an environment that  
9       was quiet and happy, and it was just taking up every --  
10      every bit of that that he could.  And it was winter.  He  
11      doesn't like the cold.  So he was just happy where he was  
12      at.

13      Q.   So he was arrested on April 20th.  Can you describe what  
14      happened that day?

15      A.   Yes, I can.  That was very scary.  I was -- my living  
16      room is situated that I can see out in my front yard, and I  
17      was watching -- I was watching the news in the morning,  
18      having coffee.  I would guess it would be maybe about 9:00.  
19      And I saw all these men coming down the sidewalk.  They were  
20      dressed in black with armor and whatever.  And I thought,  
21      well, I wonder who that is or what that's all about.  And  
22      then all of a sudden they were knocking on my door.  And I  
23      thought, well.  So I went downstairs and I looked out, and  
24      they are all standing in front of me and said -- I can't  
25      remember exactly.  It was either open the door or we will

~~PATTERSON - CROSS~~

1 knock it down or open the door or we will blow it down. And  
2 I am, Ooh. I open the door right away. And I went  
3 upstairs, and they just went right downstairs, and I never  
4 talked to Bob again. And when they removed him from the  
5 house, two men came upstairs and said they were going to  
6 have to spend a couple hours searching. And I said okay, go  
7 ahead. And that was it.

8 Q. And if you could just give me a second, please.

9 MR. KELLEY: No further questions, Your Honor.

10 THE COURT: All right. Thank you.

11 Is there any cross-examination?

12 MR. RANK: Yes, Your Honor. Thank you. Thank  
13 you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. RANK:

16 Q. Good afternoon, Ms. Patterson.

17 A. Good afternoon to you.

18 Q. My name is Tim Rank. I'm the prosecutor in this case.

19 A. Okay.

20 Q. We haven't met before, have we?

21 A. No, we haven't.

22 Q. Ma'am, you testified here today that while Robert Ivers  
23 was living with you that you were gone a lot during the day.  
24 You have a business; is that right?

25 A. Right.

—PATTERSON - CROSS—

1 Q. You sell Hunter Douglas window treatments?

2 A. Yes, I do.

3 Q. You have been doing that for 40 years, did you say?

4 A. Well, not quite 40, but at least 30.

5 Q. And so that keeps you busy during the daytime; is that  
6 correct?

7 A. Yes. And I have friends, and I go to lunch, and I have  
8 other -- I have grandchildren. I pick them up and do things  
9 like that, so.

10 Q. And you I think testified that you don't know what  
11 Robert Ivers was doing all the time; is that correct?

12 A. That's correct. I wouldn't know what he was doing all  
13 the time. I would just -- I have a huge table in my  
14 basement. I sew draperies for a living, and he would have  
15 stuff spread out on that, be working -- if I went  
16 downstairs, he had his project. And I honestly couldn't  
17 tell you about every minute, no.

18 Q. Okay. And I think what you said, you testified Bob  
19 didn't share a lot of what was going on in his life. I  
20 think that's what you testified earlier.

21 A. I did say that about his personal life. He didn't share  
22 a lot.

23 Q. Okay. And so I also think you testified that he was  
24 gentle with you; is that right?

25 A. That's right.



—PATTERSON - CROSS—

1 Q. You sound like a pretty good sister.

2 A. I try.

3 Q. He came to live with you in December of last year; is  
4 that right?

5 A. That's right.

6 Q. And prior to that you really hadn't seen him since  
7 really around 2000; is that right?

8 A. No. No, that -- that wouldn't be true. I have seen him  
9 on occasion, but not a lot. I could have gone two years and  
10 didn't see him. I could have -- but I didn't see him every  
11 week, every month, but I did see him occasionally.

12 Q. So infrequently? Is that --

13 A. Infrequently. Where he was living, I can't remember if  
14 he lived there for two or three years, I think I saw him a  
15 couple of times. I brought him some fruit and some beef,  
16 and there we go.

17 Q. You're his sister. So you had said, again, that he was  
18 gentle to you; is that right?

19 A. That's right.

20 Q. Did you ever hear him or see him be less than gentle  
21 with other people?

22 A. No, I did not.

23 Q. So you never heard him, like, raise his voice or yell or  
24 be aggressive with people?

25 A. Not in my presence. I don't like that kind of stuff, so

—PATTERSON - CROSS—

1       -- not in my presence, no. He didn't do it around my  
2       house --

3       Q. Okay.

4       A. -- or with my friends.

5       Q. Because you don't approve of that?

6       A. No, I don't.

7       Q. And I'm sure your brother knows that.

8       A. Yes. I mean, I work with the public and I don't -- I  
9       don't make any -- I don't have opinions of anybody. I like  
10      everybody. And if I don't like them, I go out in my car,  
11      roll up the windows, get on the highway and talk to myself.

12      Q. Okay. And you had also said that, something to the  
13      effect of, you had your business, Bob had his own business  
14      and he didn't necessarily share that with you.

15      A. Well, we, to be perfectly honest, we didn't have a lot  
16      in common. So whatever he had going on in his life, I guess  
17      I -- I'm not going to say I wasn't interested, but we didn't  
18      talk about it.

19      Q. And so Mr. Kelley asked you about what you knew about  
20      whether he was thinking about or working on or doing  
21      anything about a lawsuit at the time period that he was  
22      living with you. Do you remember that question?

23      A. Yes, I do.

24      Q. And if he was, would you necessarily know whether he  
25      was?

—PATTERSON - CROSS—

1 A. No, I wouldn't have any way of knowing that because --  
2 he did get some mail at my house, but I never opened his  
3 mail. And, quite frankly, I was never home when the mailman  
4 came, so if there was mail, he'd sort mine and his and I  
5 wasn't -- I didn't know what was going on with his mail.

6 Q. And that was his business?

7 A. That was his business. I have enough of my own that I,  
8 at the age, I don't want anybody else's.

9 Q. And so let me ask you about that phone call that  
10 Mr. Kelley asked you about. There was a phone call on  
11 February 27th.

12 A. Right.

13 Q. Of this year.

14 A. Right.

15 Q. And I think what you testified was that Robert got the  
16 call.

17 A. Yes.

18 Q. That you two were upstairs watching TV.

19 A. Yep.

20 Q. Had the TV on.

21 A. Right.

22 Q. He went downstairs with the phone.

23 A. Yes. He had his own cell phone.

24 Q. Even though he was downstairs when he was talking, at  
25 some point in time he started yelling loudly enough that you

—PATTERSON - CROSS—

1       could hear him upstairs.

2       A.   I could just hear -- I couldn't make out what he was  
3       talking about, but I could hear that he was being loud, yes.  
4       I had the television on. As a matter of fact, I may have  
5       turned it up a little bit so I didn't have to, you know, get  
6       involved in it, but I couldn't tell you who he was talking  
7       to or what he was talking about.

8       Q.   So you actually turned the volume up to --

9       A.   Well, I don't know. That, that I might have just thrown  
10       in there, but I could have easily turned it up.

11       Q.   Okay. Because he was being loud?

12       A.   He was being loud and I was listening to something.

13       Q.   Okay. And I think you testified that after a while he  
14       came back upstairs after the phone call was over.

15       A.   Mm-hmm.

16       Q.   And you said, I think you testified, he was in a good  
17       mood.

18       A.   He was, yeah. He didn't say anything nasty to me or  
19       nasty. I said, well, I did say, well, what's that -- you  
20       were kind of loud, what's that about. He said, well, I was  
21       just speaking to a lawyer that called me and I already had  
22       it taken care of, is what he said.

23       Q.   Okay. Ma'am, you already indicated that you hadn't  
24       heard him ever be less than gentle with other people or  
25       aggressive with other people. Is that your testimony?

—PATTERSON - CROSS—

1 A. That's correct.

2 Q. And had you ever heard him threaten anybody?

3 A. No.

4 Q. Did you know, ma'am, that your brother had sent a number  
5 of threatening letters to district court judges in Hennepin  
6 County in Minnesota?

7 A. I had no idea, absolutely no idea.

8 Q. And if he was doing something like that, he wouldn't  
9 share that with you, would he?

10 A. I guess that's something I don't know, but probably he  
11 wouldn't share it with me. I couldn't be a hundred percent.  
12 But if you say he was doing it, you must know it. I did not  
13 know that.

14 Q. Well, let me ask you, ma'am -- again, I hesitate to do  
15 this, but --

16 A. Go ahead.

17 Q. Did you -- did you know that he was sending a bunch of  
18 threatening letters to judges?

19 A. No.

20 Q. Did you know that he made a number of threatening phone  
21 calls to judges and left them on a voicemail --

22 A. No.

23 Q. -- for a judge? And did he share any of that stuff with  
24 you?

25 A. No.

—PATTERSON - CROSS—

1 Q. And is that the kind of thing you think he would share  
2 with you?

3 A. I wouldn't share it with anybody. I wouldn't be --

4 Q. Would your brother know that you wouldn't approve of  
5 that kind of --

6 A. Absolutely.

7 Q. And so if he had made a threat to a judge in this case,  
8 he is not going to share that with you either, is he?

9 A. Well, he didn't share anything else, so I guess we would  
10 have to presume that he wouldn't share that with me.

11 Q. You haven't heard him using aggressive language at all?

12 A. Not in front of me, no.

13 Q. Okay. Ma'am, I'm going to show you something, if I can  
14 approach, and just see if -- I'm assuming you haven't seen  
15 anything like this before. And I apologize for putting this  
16 in front of you. But, first of all, do you recognize this  
17 handwriting?

18 A. Yep.

19 Q. Whose handwriting is that?

20 A. I would say that's his.

21 Q. And is this something that -- if he sent that to a judge  
22 in Hennepin County, did he tell you about that?

23 A. No, no.

24 Q. Would that be something that you would have approved of?

25 A. No. But from the -- from the writing he must have been

—PATTERSON - CROSS—

1 just very angry, because he's very neat and he's very -- so  
2 I would say something like that was just -- well, I don't  
3 know. I would say he must have just all of a sudden been  
4 very, very angry, because that isn't even his -- everything  
5 is always in line and straight and symmetrical and -- so I  
6 don't know. I don't know what that was about.

7 Q. Okay. Would you like it if you received something like  
8 that?

9 A. Oh, well, of course not.

10 Q. You testified, ma'am, that in early April Mr. Ivers went  
11 down -- took a bus down to Minneapolis; is that right?

12 A. Correct.

13 Q. You also testified that right around that same time  
14 period, maybe a little bit after that, he bought a car; is  
15 that right?

16 A. Well, we had talked about doing that all winter. We  
17 were looking. And I had a client that didn't even have a  
18 car for sale, and I -- we were just chatting, and he was  
19 talking about getting a new car for his wife. And I said,  
20 oh, are you thinking about selling it? And he said, well,  
21 yeah. And I said, well, what would you want for it? And,  
22 you know, if you can find something that runs real good and  
23 is not a lot of drama with it and why not try to buy it.  
24 And that's what happened. So he said, yeah, well, I tell  
25 you, I will sell it for X amount of dollars. And so Bob

—PATTERSON - CROSS—

1 looked at it, and we went for it. It wasn't real expensive.  
2 It was just a -- I don't remember now if it's an '04, '08  
3 Subaru, somewhere in that vicinity. And so after we did  
4 that -- yeah.

5 Q. Okay. So Mr. Ivers bought a car sometime in -- of April  
6 of --

7 A. Right. I guess I could look at the title and tell you,  
8 but I don't have the title with me.

9 Q. A couple weeks before he was arrested?

10 A. Yeah, yeah.

11 Q. Okay. And you had been -- he had been looking or  
12 thinking about buying --

13 A. Well, all winter we talked about -- because his previous  
14 car had blown up. He had to get rid of it. The engine went  
15 and he had somebody come out and pick it up. So he didn't  
16 have a car when he came to Fargo.

17 Q. But he over the course of the winter had been talking  
18 about getting a --

19 A. Right, right. Some sort of a car. He was going to have  
20 a car when he went back.

21 Q. Okay.

22 A. And then this just came up, this car, so we did it.

23 Q. Talking about buying a car for a few months before he  
24 actually bought a car?

25 A. Yeah, yeah. Well, he needed one. I mean, you know,



PATTERSON - CROSS

1       pretty tough to get around down here without a car.

2       Q.   Okay.  Thank you very much, ma'am.

3       A.   You bet.

4               MR. RANK:  No further questions, Your Honor.

5               THE COURT:  Thank you.

6               Ladies and gentlemen, I want to remind you about  
7 Preliminary Instruction No. 4, when someone characterizes  
8 something as a threat.  I want you to remember this.  The  
9 defendant made a threat to murder a United States Judge.  
10 You have to determine whether or not the communication is a  
11 threat, not the judge or any of the witnesses.  Okay?  I  
12 just want to make sure there was an understanding of that.

13              Mr. Kelley, is there further examination?

14              MR. KELLEY:  No, Your Honor.  Thank you.

15              THE COURT:  You may be excused.  Thank you,  
16 Ms. Patterson.

17              THE WITNESS:  Yes.

18              MR. SCOTT:  Come on, Bob.  Bob, walk up.  You saw  
19 how you get sworn in.

20              THE DEFENDANT:  I'm the boogeyman.

21              THE COURT:  Mr. Ivers, good afternoon.  Would you  
22 raise your right hand and please stand for the jurors, look  
23 at the jurors.

24              THE DEFENDANT:  Hi, judge.

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ROBERT IVERS,

called on behalf of himself, was duly sworn, was examined  
and testified as follows:

THE DEFENDANT: I do.

THE COURT: Please be seated.

THE DEFENDANT: Now I'm going to speak. I have  
had to sit there since Monday morning. Don't anyone  
chastise me or tell me. I have had to sit there --

THE COURT: Mr. Ivers.

THE DEFENDANT: -- for four days.

THE COURT: Mr. Ivers, here, let me tell you. I'm  
supposed to have control over the courtroom.

THE DEFENDANT: Judge, you stuck me in jail for  
five months when you could have let me out on the street  
walking around during this trial.

THE COURT: Ladies and gentlemen, if you want to  
be excused.

THE DEFENDANT: No. Let's move forward on this  
case.

THE COURT: Be excused.

No, we're not going to move forward with the case.

Ladies and gentlemen, you are excused. If you  
would go with the courtroom deputy, please.

**IN OPEN COURT WITHOUT THE JURY PRESENT**

THE COURT: Please be seated.

1           The record should show we are proceeding outside  
2           the courtroom without the jury.

3           Mr. Ivers, you have very good lawyers. I'm not  
4           going to give you any legal advice. Okay?

5           THE DEFENDANT: I don't want any.

6           THE COURT: Good. You have to be a passive person  
7           here until you are posed a question. That's the rules we  
8           operate under. You are not to make statements without being  
9           asked a question. We're not going to have worked this hard  
10          and gone this far with this case and let you get a mistrial.  
11          So if you can't behave, I'm going to have you removed from  
12          the courtroom and counsel can examine you and we will put  
13          you on the video. Now, what do you want?

14          THE DEFENDANT: I want to sit right here and tell  
15          my story.

16          THE COURT: Okay. Well, you better follow  
17          Mr. Scott's advice, not mine, Mr. Scott's advice.

18          And if you need time to have a conference with him  
19          outside the presence of myself and everybody else, we will  
20          do that. Do you want to take a recess, so you can talk to  
21          Mr. Scott about how you are supposed to behave?

22          THE DEFENDANT: I'm ready to rock and roll right  
23          now. Let's do it.

24          THE COURT: Well, I'll take that as a no.

25          Do you want to get the jury in?

—IVERS - DIRECT—

1 THE CLERK: All rise.

2 **IN OPEN COURT WITH THE JURY PRESENT**

3 THE COURT: Please be seated.

4 Counsel, you may proceed.

5 MR. SCOTT: Sure.

6 DIRECT EXAMINATION

7 BY MR. SCOTT:

8 Q. Bob, can you tell the jury, first of all, how old a man  
9 are you?

10 A. I'm 65.

11 Q. Okay. And why don't you give the jury just a little bit  
12 of your background. Where are you from?

13 A. Can we talk about how my day started today?

14 Q. You want to talk about your case now?

15 A. Yes. Can we talk about how my day starts every day?

16 Q. We will get to that. We will get to that. But if you  
17 want, okay. How did your day start today?

18 A. Well, they got -- every day that I been here -- I don't  
19 come in this suit coat.

20 MS. ALLYN: Objection. Relevancy.

21 THE COURT: Ladies and gentlemen, Mr. Ivers has  
22 been detained, as he told you before you left the courtroom.  
23 That fact of his detention has no bearing at all. He's  
24 entitled like every other person accused of a crime to the  
25 presumption of innocence. Okay? And the fact that he's

—IVERS - DIRECT—

1       been detained is of no concern to you. Okay? Clearly, as  
2       his statement told you, he wasn't happy with it, but it  
3       happened. It's in the past. But he's still entitled to the  
4       presumption of innocence. Okay?

5               Mr. Scott, you may proceed.

6               THE DEFENDANT: How do I start my day.

7       BY MR. SCOTT:

8       Q. Okay. But let's go back. Let's talk about you for just  
9       a minute. Okay?

10      A. Talk.

11      Q. Okay. Well, you are the one that's going to be doing  
12      the talking. Tell us where you grew up. Okay. Well, I  
13      won't ask that. Tell us --

14      A. About the case.

15      Q. Tell us about -- listen. Let's just go straight to it.  
16      We won't talk about anything other --

17      A. Straight to the case.

18      Q. Tell us about February 27, 2018.

19      A. Let's start with how this all happened.

20      Q. Well, okay.

21      A. Let's start with Judge Wright and how it all happened.

22      Q. Okay. Well, then let's go back to that.

23      A. Start at the beginning.

24      Q. Starting a little before the beginning, but let's start  
25      at the beginning. Prior to 2015, Bob, prior to 2015 --

—IVERS - DIRECT—

1 A. Yes.

2 Q. -- had you ever been in federal court?

3 A. 2015.

4 Q. When your case --

5 A. I don't know. I don't know. It's a long time ago.

6 Q. Okay. In 2015, Bob --

7 A. I have nice teeth, but they are in this box, and they  
8 hurt when I put them in.

9 Q. 2015, Bob.

10 A. Yes.

11 Q. The insurance company CMFG removed your case from state  
12 court to federal court; isn't that right?

13 A. Yes, they did. I had registered it. I had -- let me  
14 finish my statement.

15 I had an attorney. It took me three years while I  
16 lived in my car -- I know it's difficult to believe, but it  
17 took three years to find an attorney. All the attorneys  
18 wanted one-third. My friend died. He left me a hundred  
19 thousand, and no attorney would touch the case unless I gave  
20 them \$33,000. I was deeply, deeply resentful. My friend  
21 died. Their friend didn't die, mine died, and they wanted  
22 33 grand, and I refused to do it.

23 I finally found a team of attorneys, some young  
24 men, about your age in the green shirt there, that would  
25 handle it for 10 Gs. They would do the paperwork; but if it

—IVERS - DIRECT—

1       went to court, they wanted the 33. And I said okay, that's  
2       workable, try to get me the hundred grand and I will give  
3       you ten. Let me clear my throat. One was Eric Peterson.  
4       One was Demetri Lametti. Demetri -- they did the case. It  
5       was beautifully done, beautifully executed. It's the way  
6       the court system wanted to see it. And they took it down to  
7       district court and filed it into district court. And you  
8       don't have to make outrageous demands. They automatically  
9       give you a jury trial. And so it was registered.  
10      Everything was copacetic. The system said yes, this looks  
11      good, it is quality, it is fine, it is the way it should be.

12               Then Demetri Lametti got an offer he couldn't  
13      refuse. A friend had moved to Hawaii and said you've got to  
14      come with me and you've got to come over here, and he  
15      dropped out of the case. And Eric Peterson did not want to  
16      pay the \$500 filing fee to be able to work within the  
17      federal system. The case I think might have been held in  
18      this room. It was in -- the trial with Judge Wright was --  
19      I know she's on the third floor in here, but it might have  
20      been in this courtroom here. Nonetheless, he did not want  
21      to file. And it was such a simplistic case. It was just  
22      simple, my friend. It wasn't all full of case law and all  
23      kinds of fancy lawyering things that you need to do, all  
24      high-end lawyer stuff, Armani suits. No. It was very  
25      simple; he died and I want my money. And so I handled the

—IVERS - DIRECT—

1 case. And I have a lot of experience with court and court  
2 cases, because I have sued people in the past, because in  
3 America if you feel an injustice has been done to you, it is  
4 your right, your right to file a court case. It's your  
5 right. And so I have a lot -- I had a lot of court  
6 experience.

7 And what happened was that the insurance company  
8 just to be smarmy moved it over into federal court, because  
9 they probably thought it would throw me for a loop, and it  
10 didn't because the federal court I found is even easier to  
11 negotiate than the district court, so --

12 MS. ALLYN: Objection. Narrative.

13 THE DEFENDANT: Now, I can ramble, so put me back  
14 on track.

15 BY MR. SCOTT:

16 Q. Yeah, I'll get you back on track.

17 A. But I like to move fast. None of this slow stuff.

18 THE COURT: Okay, Mr. Ivers. Mr. Ivers. Mr.  
19 Ivers, you have to listen to your lawyer's question and not  
20 go beyond what he asks. Okay?

21 THE DEFENDANT: Okay. Let's roll.

22 BY MR. SCOTT:

23 Q. I'm going to help you along. I'm going to help you  
24 along.

25 A. I had to sit here for four days listening to my name



—IVERS - DIRECT—

1 being bashed.

2 Q. Okay. So I'm going to show you some documents here that  
3 you brought to your case. They are your case documents.

4 A. Get them in.

5 Q. Okay. So the first one I am going to show you, which is  
6 marked for identification as Defense Exhibit 1, is actually  
7 filed in the district court as Document 1.1. Take a look  
8 and tell me if it is familiar to you.

9 A. Yes. It's the CMFG Life Insurance case.

10 Q. Right. It is the case that you filed, correct?

11 A. Yes.

12 Q. And you filed it, I think you were explaining to the  
13 jury, you filed it under your own name, that is, you  
14 filed --

15 A. There I am. That's me.

16 Q. And I am looking at page 7 of it?

17 A. Yeah.

18 Q. And that's your signature or a copy of it?

19 A. Yeah, that's me.

20 MR. SCOTT: We will offer Defense Exhibit 1.

21 THE DEFENDANT: Look, I want to say something.

22 THE COURT: Mr. Ivers. Mr. Ivers.

23 MR. SCOTT: Wait. Wait. First I have to do these  
24 things.

25 THE DEFENDANT: Yeah. No.

—IVERS - DIRECT—

1 MR. SCOTT: I have to do it.

2 THE DEFENDANT: I'm fast-paced, I dial direct, and  
3 I want to thank the jury right now. I know you had to sit  
4 through a lot of boring blabber.

5 MS. ALLYN: Objection. There is no question  
6 before this witness.

7 THE DEFENDANT: This end of it is going to move  
8 much faster.

9 THE COURT: Ladies and gentlemen, we are going to  
10 take another recess.

11 THE DEFENDANT: No. Come on.

12 THE COURT: We are going to take another recess.  
13 The jury is excused.

14 THE CLERK: All rise.

15 **IN OPEN COURT WITHOUT THE JURY PRESENT**

16 THE COURT: Please be seated.

17 Mr. Ivers, do you want to just not testify in this  
18 case and give the jury the case that they have the record on  
19 now?

20 THE DEFENDANT: Do you understand how wound up I  
21 am?

22 THE COURT: You have to answer my question,  
23 because if you want to do that, I'm not going to let you  
24 continue to interrupt.

25 THE DEFENDANT: Of course, I want to testify.

—IVERS - DIRECT—

1 THE COURT: Okay. Well, then the only way that  
2 you can testify is by way of question and answer. You  
3 cannot initiate words, any words before the jury. You  
4 cannot say anything before the jury unless Mr. Scott poses a  
5 question or counsel for the government poses a question.  
6 Those are the two conditions that we're going to proceed by.  
7 If you cannot abide by that, we will just adjourn for the  
8 day.

9 THE DEFENDANT: Can I be made co-counsel?

10 THE COURT: Well, there's a case called *Faretta v.*  
11 *California*. If you tell me -- are you discharging  
12 Mr. Scott?

13 THE DEFENDANT: No. I just want to be part of the  
14 counsel.

15 THE COURT: You can't be part of the counsel --

16 THE DEFENDANT: That's fine.

17 THE COURT: -- without discharging Mr. Scott. You  
18 have a right of self-representation or you have a right of  
19 representation.

20 THE DEFENDANT: No.

21 THE COURT: You got to pick one or the other.  
22 Okay?

23 THE DEFENDANT: Okay. But --

24 THE COURT: But so here's the rule. If you start  
25 talking without there being a question, you are out of the

—IVERS - DIRECT—

1 courtroom and we're going to give the case to the jury based  
2 on the record we have at this point. And I'm going to tell  
3 the jury that you didn't want to testify, because the  
4 conditions of testifying, which is your right, as you well  
5 know, you have to behave while testifying. Every witness  
6 has to behave while testifying. If you don't want to do  
7 that, we're going to adjourn and we're going to submit the  
8 case based on the record. Any additional record that  
9 Mr. Scott or Mr. Kelley want to offer, we are just going to  
10 be done. Can you abide by my rule or not?

11 THE DEFENDANT: Yes, I can, but I would like to  
12 speak with my counsel for one minute, just one minute.

13 THE COURT: Okay. You can speak --

14 THE DEFENDANT: Just one.

15 THE COURT: You can speak to your counsel for one  
16 minute.

17 (Defendant and defendant's counsel are conferring.)

18 THE COURT: Okay. We're going to bring the jury  
19 in, Mr. Ivers.

20 **IN OPEN COURT WITH THE JURY PRESENT**

21 THE COURT: Please be seated.

22 Ladies and gentlemen, you already know this, but  
23 do not let distractions take you from your tasks, all of  
24 you, which is to determine the facts of this case. So we  
25 are going to get you the evidence once the government is

—IVERS - DIRECT—

1 finished with their evidence and Mr. Ivers is finished with  
2 his. So the fact that some people, myself included,  
3 sometimes don't handle things the best way shouldn't detract  
4 you from trying to determine what the facts are, which is  
5 your real job here.

6 So Mr. Scott is going to continue with his  
7 examination.

8 Mr. Scott.

9 BY MR. SCOTT:

10 Q. Okay. Bob, we're going to talk just a little bit about  
11 your case, the case that you had against CMFG Life Insurance  
12 Company. And, first, you filed that case in state court?

13 A. Correct.

14 Q. And you identified the documents that you did in filing.  
15 And within a few weeks the insurance company took your case  
16 and they removed it to federal court, didn't they?

17 A. That's correct.

18 Q. Okay. And just for the record, for the record, the  
19 paperwork that they removed it from was filed in court as  
20 Document 1 and it is -- and what I have marked as  
21 Defendant's Exhibit 2 for identification, that's the removal  
22 proceeding that they filed that pulled your case out of  
23 state court and put it into federal court?

24 A. Yeah.

25 Q. And their argument that they made then was, well, we're

—IVERS - DIRECT—

1 a company, we're not from Minnesota and, therefore, we can  
2 come to federal court?

3 A. Fine.

4 Q. And you said that that case went forward then in federal  
5 court and that your -- the lawyers who were originally  
6 planning on representing you in your state court case  
7 eventually pulled out of your federal court case?

8 A. Eric Peterson did not want to pay the \$500 filing fee  
9 and abide by all the federal statutes in federal court, and  
10 Demetri Lametti moved to Hawaii.

11 Q. Okay. Mr. Lametti for a little while represented you?

12 A. Until he moved Hawaii.

13 Q. And then the case, as far as you could see, because it  
14 was filed in 2015, became bogged down in a whole lot of  
15 pretrial motions, everything else was -- it was really  
16 getting irritating?

17 A. Endlessly, endlessly, endlessly. And they knew my  
18 condition.

19 Q. And, of course, the condition of the insurance company  
20 was they had all your money and you didn't. That's to start  
21 with?

22 A. Yeah, they had all my money, and I was living in my car.

23 Q. And the longer it went, the longer they had your money?

24 MS. ALLYN: Objection. Leading.

25 THE DEFENDANT: Yes.

—IVERS - DIRECT—

1 THE COURT: Overruled.

2 MR. SCOTT: I will ask for permission, Your Honor,  
3 to do a little bit of leading here.

4 THE COURT: Yes, particularly as to preliminary  
5 matters, counsel.

6 MR. SCOTT: Thank you.

7 THE DEFENDANT: Yes.

8 BY MR. SCOTT:

9 Q. So finally the case came up for trial?

10 A. Correct.

11 Q. And had you thought coming into that case, to at least a  
12 month or two before trial, had you thought that you were  
13 going to get the jury trial you were entitled to in state  
14 court?

15 A. I would never ever, ever, ever go into a courtroom  
16 without a jury trial ever.

17 Q. But my question was, Did you think --

18 A. Yes.

19 Q. -- you were going to have it?

20 A. Judge Becky Thorson recommended in her recommendation  
21 twice that a case like this -- she recommended to Judge  
22 Wright that a case like this should absolutely be heard by  
23 nothing but a jury. And I also demanded my right to a jury  
24 trial in state court, and, yes, I figured for sure it was  
25 going to be a jury trial.

—IVERS - DIRECT—

1 Q. And then just a couple of months before the case was  
2 scheduled to go in front of the -- go to the court for a  
3 jury, you got a notice that said, and I'll summarize it by  
4 saying, too bad, no jury, right?

5 A. Correct.

6 Q. And that notice was filed as docket text -- or Docket  
7 No. 87. The jury has seen it. And your response to it,  
8 which you filed in court, was filed as Document 89, which is  
9 Government's Exhibit 2. And I'll just show it to you to  
10 remind you.

11 A. Okay.

12 Q. And that's the one where you said that that text  
13 document saying you didn't get a jury trial doesn't pass the  
14 smell test; isn't that right?

15 A. Yes, it didn't pass the smell test.

16 Q. And that's the one that eventually you wrote down about  
17 three, four pages in "Somebody needs to explain to me what  
18 the fuck is going on."

19 A. Exactly.

20 Q. Well, but you didn't get your jury, did you?

21 A. No.

22 Q. And on January --

23 A. Can I explain why I didn't get my jury?

24 Q. Sure. Why do you think you didn't get your jury?

25 A. Well, first of all, there was a hearing set up, and I



—IVERS - DIRECT—

1       went down to the hearing. And you have to remember -- can  
2       we go back to Tallman just for a minute?

3       Q.    Sure.

4       A.    George Tallman was a very good friend of mine that I  
5       knew in the '70s. I'm 65. It was a long time ago, and I  
6       don't want to do the math, 35, 40 years ago. I ran into him  
7       just by the oddities of life, just bumped into him by the  
8       oddball of life.

9               MS. ALLYN: Objection. Narrative.

10              THE DEFENDANT: And he --

11              MR. SCOTT: I think it's a fair -- it's going to  
12       be fairly short.

13              THE COURT: Ladies and gentlemen, here, generally,  
14       leading questions are not permitted. That's when the lawyer  
15       asks a question that requires a yes or no response. As to  
16       preliminary matters, there's a small exception that lets the  
17       court permit lawyers to ask leading questions. Much of, if  
18       not all of, Mr. Scott's leading questions that you are going  
19       to hear about have been referred to by earlier witnesses,  
20       particularly Ms. Bender who reviewed the docket of this case  
21       that Mr. Scott's now going over. So to shorten the  
22       testimony, the court's going to permit leading questions by  
23       Mr. Scott.

24              Go ahead.

25

—IVERS - DIRECT—

1 BY MR. SCOTT:

2 Q. So you were in the midst of talking about your friend  
3 George Tallman.

4 A. So I bumped into George, and he had a spare room in his  
5 apartment, and he said come and live with me.

6 Q. Okay. And so you moved in and lived with him for a  
7 number of years? Would that be right?

8 A. Almost three.

9 Q. And you were, in essence, his caregiver during that  
10 time?

11 A. He had bad knees. And I cooked, cleaned and sewed,  
12 which I am very good at. I enjoy doing those things. I  
13 also had a landscaping company. You know, I know how to  
14 throw boulders around, but I don't mind vacuuming or  
15 scrubbing floors either. And so, yeah, in exchange I helped  
16 him out.

17 Q. And somewhere as a result of that -- and I don't want  
18 you to spend a lot of time going through any details, but  
19 somewhere during that time period he and you made a  
20 determination that he would name you as the beneficiary in  
21 his life insurance policy?

22 A. He had insurance companies left and right mailing him  
23 junk mail, and CMFG were high-end browbeaters. They really  
24 stayed to the punch. And he was -- just down the road a  
25 half a mile he belonged to a credit union called Wings, and

—IVERS - DIRECT—

1 Wings was a division of CMFG, and they really pummeled him  
2 with advertisings and this and that. And he had the spare  
3 cash. After he paid his rent, he had some surplus money,  
4 1200 bucks or something, but it was surplus. He didn't need  
5 it. It was surplus. And he said, hey, you want to know  
6 what, I'm going to buy these life insurance policies. These  
7 people browbeat him. He didn't even want it. He didn't go  
8 looking. He didn't go to them. They came to him. And he  
9 bought the policy. And he said, you know what, I'm going to  
10 make you as a beneficiary; if I fall over dead, it is my way  
11 of saying thank you for being my friend and being here and  
12 helping out. And I said, hey, knock yourself out, do what  
13 you want to do. I really could care less, because I figured  
14 he was going to live to be 90, and so I thought it was a  
15 really kind of moot -- it was a moot point. He would end up  
16 turning 80 and have lost the whole investment. He didn't  
17 figure he was going to die.

18 Q. And but he did?

19 A. Very, very surprisingly, yes, very.

20 Q. And CMFG was the insurance company's underlying name,  
21 and you were the beneficiary. They refused to pay?

22 A. Yes, they did.

23 Q. On their policy?

24 A. They had a 60-day investment period. And when George  
25 died, I had to give up the apartment. It was his apartment.

—IVERS - DIRECT—

1 I wasn't on the lease.

2 Q. Set aside for that. You got ahead of that.

3 A. Yeah.

4 Q. The first part is -- the first part is, though, is they  
5 refused to pay?

6 A. Yes, they did. They refused to pay.

7 Q. And the second thing, which you were about to mention,  
8 was you were, in essence, after he passed away, you didn't  
9 have his apartment anymore. You were at loose ends when you  
10 say you didn't have very many places to live.

11 A. Yes. Right. It was kind of the rug got pulled out from  
12 underneath me, because it's where I was living and the guy  
13 died.

14 Q. And they wouldn't pay, and they wouldn't say yes, and  
15 you had no place to go, and they didn't care.

16 A. The apartment complex gave me ten days to get out.

17 Q. And so eventually you got tired of them saying no and  
18 you sued them?

19 A. Yes.

20 Q. Okay. And that's the suit we are talking about here.

21 A. Yes.

22 Q. That they removed to federal court.

23 A. Yes.

24 Q. And then we went through a -- without going through any  
25 of that paperwork that the jury's already seen, we had a lot

—IVERS - DIRECT—

1 of pretrial activity in the case until it finally came up  
2 for trial in January of 2016.

3 A. The first big thing -- actually, the most important  
4 thing was a pretrial hearing before Magistrate Becky  
5 Thorson, and she had to approve the lawsuit.

6 MS. ALLYN: Objection. Nonresponsive.

7 THE COURT: Mr. Ivers, here's the pending question  
8 that Mr. Scott asked you. He said, And then we went  
9 through, without going through all that paperwork that the  
10 jury's already seen, we had a lot of pretrial activity in  
11 the case until it finally came up for trial in January of  
12 2016.

13 THE DEFENDANT: Okay.

14 THE COURT: Is that yes?

15 THE DEFENDANT: Did it come up?

16 BY MR. SCOTT:

17 Q. Yes.

18 A. Yes.

19 Q. Say yes.

20 A. Yes.

21 Q. Very good. I've got one of those documents just to show  
22 you, because it's not in evidence yet and I just want to  
23 have it in evidence, so the jury can understand. I'm going  
24 to show you what is Docket No. 88 out of that case. I  
25 know --

—IVERS - DIRECT—

1 A. I like to smile, and I don't want the jury to think I'm  
2 -- I want them to make sure I do have a partial. I should  
3 probably put it in. I actually do like to laugh a lot, but  
4 it's difficult for me to talk. I will try it for a little  
5 bit, otherwise I'm not bashful about taking it out. It  
6 takes a few minutes for it to settle. Shoot. What do you  
7 want to know?

8 Q. I want you to look at that.

9 A. Yeah, yeah.

10 Q. Okay. So Exhibit 88 really is just before trial, this  
11 is in November, you basically gave an outline of your case  
12 to the judge.

13 A. Yes.

14 Q. And you filed it with the court. It's your handwriting  
15 on the front?

16 A. Yes, it is.

17 MR. SCOTT: Offer Exhibit 88.

18 MS. ALLYN: No objection.

19 THE COURT: Received.

20 MR. SCOTT: Or excuse me, Your Honor. Exhibit 3,  
21 which is Docket No. 88.

22 THE COURT: Received.

23 MR. SCOTT: You are going to have to show me how  
24 to do this, Brett. I want the jury to know that I actually  
25 can operate a document camera, but not with all that stuff,

—IVERS - DIRECT—

1 but that's my limit.

2 THE DEFENDANT: I am pro se.

3 BY MR. SCOTT:

4 Q. That's just the cover page that's in your handwriting.

5 A. I'm pro se. The court knows my condition. I do not own  
6 a computer. I am computer illiterate. I must rely on  
7 surface mail. I am forma pauperis. That means acting as --

8 Q. You are acting --

9 A. It's Latin for acting in the form of a pauper --

10 Q. Yes.

11 A. -- which is confessing that you are poor.

12 Q. Okay. And the tenth one is the one I really --

13 A. I know the court has the power to grant me latitude,  
14 which they do. I am prepared for trial now.

15 Q. And ten is?

16 A. The enclosed is my entire case.

17 Q. And that's what you submitted then and paid for your  
18 case and your arguments.

19 A. Yes.

20 Q. And you'd thought it through and thought you had a  
21 pretty good argument too, didn't you?

22 A. Airtight.

23 Q. And you were working your way through, and if the jury  
24 wants to look at it, you were working your way through  
25 documents that had been filed in the case and then arguments

—IVERS - DIRECT—

1 that you were making as --

2 A. It's extremely good. I am very, very proud of it.

3 Q. And so then you came up for trial in that first week in  
4 front of the judge on the 9th and 10th of January of 2016.

5 A. Correct.

6 Q. And the insurance company had their lawyers, and you  
7 represented your side of the case.

8 A. Yes.

9 Q. And you cross-examined witnesses?

10 A. Yes.

11 Q. You testified on your behalf?

12 A. Yes.

13 Q. Did you call a witness? I'm not sure. I don't think  
14 you actually called one.

15 A. No.

16 Q. You mostly were cross-examining their witnesses.

17 A. The beauty of the case was that all of their witnesses  
18 really were my witnesses, because I was able to, just like  
19 in this courtroom here, is point/counterpoint with the  
20 prosecution relative to the defense. We were -- I was able  
21 to use their witnesses to my benefit.

22 Q. Okay. And then unlike a jury, you had to sit and wait  
23 until she would finally issue her --

24 MS. ALLYN: Objection to characterizing with  
25 respect -- while he's leading, he's characterizing the



—IVERS - DIRECT—

1 evidence, Your Honor.

2 MR. SCOTT: I'll restate the question, Your Honor.

3 THE DEFENDANT: Can we argue about --

4 BY MR. SCOTT:

5 Q. Wait a minute. If you have a jury, the jury returns a  
6 verdict. You know what it is.

7 A. Like that (indicating).

8 Q. Okay.

9 A. Probably give them a couple hours.

10 Q. When a case is submitted to the judge --

11 A. Ai-yai-yai-yai-yai.

12 Q. -- they issue findings of facts and conclusions of law  
13 and order for judgment at their pace.

14 A. Yeah. And if they don't like you, that variable.

15 Q. Okay. And so the base that we had here was that the  
16 case was submitted to the judge for decision on the 10th of  
17 January and it was decided at the end of June?

18 A. Six months, I guess.

19 Q. And we heard some testimony here in the trial that  
20 occasionally you would call in saying when I am going to get  
21 a ruling.

22 A. I was living in an abandoned house.

23 Q. Now, when the decision came down in June, at the end of  
24 June, and you got the decision -- I don't know what the  
25 exact day you got the decision, but on the day you got the

—IVERS - DIRECT—

1 decision were you -- was the result what you wanted?

2 A. (Indicating).

3 Q. No. Okay. I will take that as a no.

4 A. Losing -- losing a trial is what everyone hopes for.

5 Q. And at this point then what she -- the essence of her  
6 decision was you don't get the hundred thousand dollars at  
7 all.

8 A. Yeah, that was it. It was over with.

9 Q. And you're representing yourself at this time, so you  
10 don't have a lawyer to depend on to do the work that -- the  
11 procedural work that needs to be done?

12 A. I am clueless.

13 Q. Did you call the court to find out if you could move for  
14 a new trial? I mean, the court system. I don't mean the  
15 judge. I mean, like, clerks of court and stuff like that.

16 A. Well, I started to read the fine print on the cover or  
17 something, and I read that it said if you -- you could apply  
18 like in 30 days or something, and I figured it out too late.

19 Q. Okay. But you were working on it, right?

20 A. Yeah. Well, I -- you can't imagine the tailspin I went  
21 into.

22 Q. Right. But you were --

23 A. I'm still in -- I'm not ashamed to admit it. I'm not  
24 ashamed to admit it. I'm still in an absolute, just a  
25 tailspin, just a tailspin. The most absolutely devastating

—IVERS - DIRECT—

1 thing that could ever happen, just worse than a death, worse  
2 than a death.

3 Q. You asked the court to set you a date so you could  
4 have -- make your new motion for a new trial.

5 A. Correct.

6 Q. And then you started yourself working on the paperwork  
7 that you thought -- your arguments as to why you should get  
8 a new trial.

9 A. I did better than that. I went ahead and actually filed  
10 the motion with the court.

11 Q. Okay. And your problem was is you had missed the  
12 deadline when you filed the motion.

13 A. Correct.

14 Q. And I'm going to show you -- it's already in evidence.  
15 The government put it in evidence. It's Exhibit 3, and it's  
16 Docket 110 in that case, but exhibit -- and I'll just show  
17 it to you for a minute. This is the work that you were  
18 doing and the paperwork that you were putting together --

19 A. Let me hold it, please.

20 Q. Yeah. Excuse me.

21 A. And step aside because I want the jury to see me. Yeah,  
22 stand there, because I want communication with the jury.

23 Q. Look through that for a minute.

24 A. Yes, I did.

25 Q. That's your argument.

—IVERS - DIRECT—

1 A. Magnificent work. I hired a secretarial service. As  
2 far as I am concerned, it's brilliant.

3 Q. Okay. So let me just look over some pages, so the jury  
4 can see what you hired somebody to type for you. So this is  
5 about -- I guess it's five pages into it here --

6 A. Yes.

7 Q. -- or four pages in, looking at the top.

8 A. Yes.

9 Q. This is -- your argument that you are making is in  
10 numbered -- you've numbered your way through (y). So this  
11 starts out as 1, 1 through (h).

12 A. Whoa, whoa, whoa, whoa. Turn that back there now.  
13 Motion Based on the Following Facts.

14 Q. Right.

15 A. Just -- whoa. It's very similar to this case, no  
16 photos, no videos, no voice recordings, no medical reports.  
17 Kind of like this case, no evidence. If you notice in this  
18 case, there's never been any evidence produced. Think about  
19 it. Yes.

20 Q. You run through and literally lay out, I mean --

21 A. Magnificent. It's brilliant.

22 Q. Right. And the front of that is the letter that the  
23 jury has seen that you filed in about six or seven different  
24 filings in court, but that was your letter now that you have  
25 missed a deadline -- but that's your letter to magistrate --

—IVERS - DIRECT—

1       excuse me -- to Judge Tunheim and Magistrate Thorson that  
2       says, "Clearly, I feel justified in presenting you with this  
3       petition based on the attached motion." Right?

4       A. Yes. And I need to have a very, very short  
5       philosophical discussion with you. Ten seconds long.

6       Q. Okay.

7       A. You and I need to discuss the power of judges.

8       Q. Well, judges are powerful people.

9       A. Can judges rescind -- reverse themselves?

10      Q. A judge can reverse themselves.

11      A. Or reverse their decision?

12               MS. ALLYN: Objection. Improper form of these  
13      questions.

14               THE DEFENDANT: We need to --

15               THE COURT: Sustained.

16               THE DEFENDANT: We need to develop the power of --

17               THE COURT: Ladies and gentlemen, we're going to  
18      take a short --

19               MR. SCOTT: Hold it. Hold it.

20               THE COURT: Yeah, we're going to take a short  
21      break here. The lawyers haven't had a break while you have.  
22      We will be back at 3:45. Remember the previous admonition  
23      of the court, though.

24               All lawyers should stay.

25               THE CLERK: All rise.

—IVERS - DIRECT—

**IN OPEN COURT WITHOUT THE JURY PRESENT**

THE COURT: Mr. Ivers, I'm going to set a time limit on how long you have to present your case. You and Mr. Scott can decide how you want to use that time. Okay? You can continue to be nonresponsive, not answer his question and make statements on your own, or you can proceed by way of question and answer. So I'm going to give you the rest of the day. You've got till 5:00. And the government has a right to cross-examine you; and if they want to do it past 5:00, they can. If they want to wait till 8:30 tomorrow morning, they can do that too. Okay?

THE DEFENDANT: Didn't they have three and a half --

THE COURT: Here, let me tell you. Here's what the law tells me. Rule 611, okay, of the Rules of Evidence says this, and here's -- because I want to make sure you understand. The rule is entitled Mode and Order of Examining Witnesses and Presenting Evidence. (A) Control by the Court. That's the judge. Purposes. The court should exercise reasonable control over the mode -- that's the way the evidence comes in -- and order of examining witnesses and presenting evidence so as to: (1) make those procedures effective for determining the truth; (2) avoid waisting time, and (3) protect witnesses from harassment or undue embarrassment. The rest of the rule has matters that don't

—IVERS - DIRECT—

1       pertain to direct examination.

2               So you and Mr. Scott talk during this recess. The  
3       marshals are kind enough to stay here with you, so you don't  
4       have to go to a holding place. You and Mr. Scott, Mr.  
5       Kelley talk about how you want to use the rest of your time.  
6       Okay?

7               MS. ALLYN: Your Honor, if I may, before we break.

8               THE COURT: Yes.

9               MS. ALLYN: May I be heard on one objection? I do  
10       understand that Mr. Scott should be given some latitude for  
11       leading. That would not be my objection. My objection is  
12       the characterizing, though, within the leading question,  
13       that is, to say things like, well, then it took so long for  
14       that order to come out.

15              THE COURT: Okay.

16              MS. ALLYN: He can just say --

17              THE COURT: When that happens, counsel, here's  
18       what I need you to do. You always listen carefully at  
19       testimony. When there's a characterization made that you  
20       think is inappropriate, you tell me and I will move to  
21       strike it. Does that work?

22              MS. ALLYN: Thank you, Your Honor.

23              THE COURT: All right. We will be in recess till  
24       3:45.

25              THE CLERK: All rise.

—IVERS - DIRECT—

(Recess taken from 3:30 p.m. till 3:45 p.m.)

**IN OPEN COURT WITH THE JURY PRESENT**

THE COURT: Please be seated.

Mr. Scott.

BY MR. SCOTT:

Q. Bob, three foundational questions here, just to lead ourselves into this, and I'm going to lead you a little bit. In November you filed a new lawsuit against the insurance company.

A. Correct.

Q. And that lawsuit was filed in federal court?

A. Correct.

Q. And in this one you really -- you checked off that you wanted a jury trial?

A. Correct.

Q. And then the magistrate recommended that you -- that you talk to lawyers in the Pro Se Project; is that right?

A. Somebody who had authority did, yes.

Q. And so as a result of that, you set up a phone conference with lawyers from Fredrikson Law Firm.

A. I don't remember if they called me. Yeah, they called me to do it. I didn't call them.

Q. Okay. And you actually had then a call on February 27th, 2018.

A. That's correct.



—IVERS - DIRECT—

1 Q. And you were on the phone.

2 A. Correct.

3 Q. And so were they.

4 A. Correct.

5 Q. And, to your knowledge, was there anybody besides the  
6 two lawyers and you?

7 A. Quite honestly, I thought it was just one lawyer and me.

8 Q. And were those lawyers then talking to you about your  
9 case that you had in federal court?

10 A. Yes.

11 Q. And were they giving you their take on what the case  
12 was, what -- how good it was?

13 A. Yes.

14 Q. Okay. And their take was that you weren't going to win  
15 the case, right?

16 A. Yes.

17 Q. And did you discuss the case with them, your side of the  
18 case?

19 A. Yes.

20 Q. During that discussion that you had with them, did you  
21 threaten anybody?

22 A. No.

23 Q. Did you threaten Judge Wright?

24 A. No.

25 Q. Did you threaten either of these two lawyers?

—IVERS - DIRECT—

1 A. No.

2 Q. Did you say anything to these people to tell them to  
3 pass on anything you were saying to anyone else?

4 A. No.

5 Q. And, in fact, you'd already filed your amended complaint  
6 at this point that the judge had ordered you to do, right?

7 A. The judge had given me 90 days by the time these two  
8 women called. There were only three days left. And I  
9 figured I was going to be stood up and so a month previously  
10 I just did it on my own, because no one ever calls me.

11 Q. And, in fact, the call you got was like literally just  
12 three days before your final answer was due anyway?

13 A. When they originally called me, I told them, I said, you  
14 know, I already did this, but they wanted to have a  
15 conversation.

16 Q. And did you say -- did you say to them when on the phone  
17 that you had planned 50 different ways to kill Judge Wright?

18 A. No.

19 Q. Did you say that you had thought about 50 different ways  
20 to kill Judge Wright?

21 A. No.

22 Q. Did you say that you had imagined 50 different ways to  
23 kill Judge Wright?

24 A. No.

25 Q. Did you say that you had planned 50 different ways to

—IVERS - DIRECT—

1 kill Judge Wright?

2 A. No.

3 Q. Did you record the conversation that you had with those  
4 lawyers?

5 A. No, I did not.

6 Q. Did they tell you whether they were recording that  
7 conversation or not?

8 A. No, they did not.

9 Q. Did they send you any emails to follow up on this  
10 conversation?

11 A. No, they did not.

12 Q. Did you send them any emails in advance of this -- in  
13 advance of this conversation that you had with them?

14 A. No.

15 Q. Did you send them any emails afterwards?

16 A. No.

17 Q. Did you send them any letters, to them, talking about  
18 Judge Wright?

19 A. No.

20 Q. Did they send you anything back talking about Judge  
21 Wright?

22 A. No.

23 Q. Did they send you anything following that conversation  
24 you had with them asking for permission to reveal that  
25 conversation to other people?

—IVERS - DIRECT—

1 A. No.

2 Q. To the judge?

3 A. No.

4 Q. To the marshals?

5 A. No.

6 Q. To the other side?

7 A. No.

8 Q. Insurance company? You have a cell phone? You text?

9 A. I don't know how to text.

10 Q. Anybody -- can you read a text?

11 A. No. I don't even know how to retrieve one.

12 Q. Okay. So you don't know whether any texts were ever

13 received by you, right?

14 A. I shake when I even dial it because I'm very -- I want

15 my car to have a crank to start it. I am very low tech. I

16 know how to use my TV controller, but I can barely make a

17 phone call and retrieve it and then I put the phone away and

18 I -- I am low tech. I don't own a computer. I never have.

19 Q. The marshals came to see you in the middle of March at

20 your house or it was at your sister's house up in West

21 Fargo, the one we heard the tape.

22 A. The one in Fargo? Do you want to talk about the one in

23 Fargo?

24 Q. Yes.

25 A. Okay. Yes.

—IVERS - DIRECT—

1 Q. In a minute, but let me just say something. When the  
2 marshal asked you then if you had told Ms. Friedemann, I  
3 think he used her name, if you had told Ms. Friedemann that  
4 you had -- that you planned -- that you had a plan 50  
5 ways -- 50 different ways to kill a federal judge, what did  
6 you say to that?

7 A. I don't think the marshal said that to me. I think what  
8 I got from the -- he might have said that to my sister. I  
9 can't remember during her thing.

10 Q. Do you remember that you answered to that that that's  
11 bullshit?

12 A. I -- yes. I think he said something like you threatened  
13 to kill the judge or something.

14 Q. And that answer was an accurate answer when you gave it,  
15 wasn't it?

16 A. It was bullshit. I said produce a recording or some  
17 form of evidence. And he said they don't have any. And I  
18 said, well, leave.

19 Q. Now, did you, during the time period after the marshals  
20 saw you and before you got arrested, did you travel to  
21 Minneapolis or to the Twin City area?

22 A. Yes.

23 Q. And how did you travel?

24 A. I took a Greyhound bus.

25 Q. And down there and back?

—IVERS - DIRECT—

1 A. Yes.

2 Q. And what was your purpose?

3 A. I don't even have a cash card. I really must get one.  
4 And I had to go to my bank. I had a very meagerly, paltry  
5 sum of money in the bank, and I withdrew it to buy a used  
6 car up in Fargo that my sister had found for me.

7 Q. And we have heard from the testimony here about all of  
8 the taps following your cell phone. Does the 3rd and 4th of  
9 April sound like the right time for the trip?

10 A. I suppose. I don't have a time frame on it. I know we  
11 had a snowstorm in Minneapolis that day, though, like about  
12 ten inches.

13 Q. So you had to go back and forth through the snow to get  
14 to the bank and stuff?

15 A. Am I talking too loud?

16 Q. No. You are doing fine.

17 A. Bee bop a doo. I used to be in a rock band  
18 (indicating).

19 Q. Yeah.

20 A. Yeah. Okay. Roll.

21 Q. Yeah. And you picked up some money to go buy a car?

22 A. I went to my bank. I took the Greyhound into  
23 Minneapolis. From Minneapolis I dashed over to a bus stop.  
24 From the bus stop I went into Hopkins. From Hopkins I  
25 borrowed my brother's bike. I rode my brother's bike to the

—IVERS - DIRECT—

1 bank. It was a grueling day.

2 Q. And that money was to buy a used car?

3 A. That money was to buy a used car.

4 Q. And you still own that car, right?

5 A. Yes, I own that car.

6 Q. What is it? Your sister didn't know.

7 A. It's like about a 2000 Camry, Toyota Camry.

8 Q. Toyota Camry?

9 A. Yes.

10 Q. Okay. So a car that will run forever and it will have  
11 to, given it's --

12 A. I have been told it's a poor man's Mercedes.

13 Q. So your trip down here was for the purpose of getting  
14 money and not for the purpose of stalking a federal judge?

15 A. Of course not.

16 Q. Do you have any idea, other than what you might have  
17 heard here in court, do you have any idea where the judge  
18 might live?

19 A. Look, I have been out since I walked out of court the  
20 final day of my trial. I haven't seen or heard or know  
21 anything about Judge Wright. The trial was two days long.  
22 I walked out of the courthouse and that's it. It must be  
23 18 months. I know nothing, nothing about Judge Wright,  
24 anything, nothing, not her routine, her work patterns, where  
25 she works, anything.

—IVERS - CROSS—

1 MR. SCOTT: I have no further questions.

2 THE COURT: All right. Is there  
3 cross-examination, counsel?

4 MS. ALLYN: Yes, Your Honor.

5 THE COURT: All right.

6 MR. SCOTT: Oh, Your Honor, before we --

7 THE COURT: Yes.

8 MR. SCOTT: I think I had offered 1 and 2. And  
9 for procedural reasons in the courtroom, we didn't have a  
10 response or a ruling by the court.

11 MS. ALLYN: No objection to those exhibits.

12 THE COURT: All of those are received.

13 MR. SCOTT: Thank you, Your Honor.

14 MS. ALLYN: May I proceed, Your Honor?

15 THE COURT: You may.

16 CROSS-EXAMINATION

17 BY MS. ALLYN:

18 Q. Good afternoon, Mr. Ivers. So now you had a civil case  
19 before Judge Wright, as we have heard a lot about.

20 A. Yes.

21 Q. In civil cases you get to have something done called a  
22 deposition, right?

23 A. Correct.

24 Q. And the jury might not know what a deposition is, but  
25 the other side, the defense attorney sat you down, put you



—IVERS - CROSS—

1 under oath and asked you a lot of questions for that civil  
2 litigation, right?

3 A. Yes.

4 Q. And they make a transcript of that deposition as well,  
5 right?

6 A. I missed that.

7 Q. They make a transcript of that deposition; isn't that  
8 right?

9 A. That's correct.

10 Q. And then that's kind of the early part of the civil  
11 lawsuit. Later you actually had a civil trial, right?

12 A. Yes.

13 Q. And you testified at that trial?

14 A. Yes.

15 Q. And it was before Judge Wright?

16 A. Yes.

17 Q. It was in this building, wasn't it?

18 A. Yes.

19 Q. So federal court.

20 A. It might have been this courtroom. I don't think so,  
21 but --

22 Q. It probably looked a lot like this courtroom, though.

23 A. Whatever.

24 Q. And Judge Wright would have been wearing her black robe,  
25 right?

—IVERS - CROSS—

1 A. Yes.

2 Q. And sitting up on a bench. Maybe not so different  
3 than -- from this courtroom here today.

4 A. Yes.

5 Q. And there were federal lawyers who were the defense  
6 attorneys, right?

7 A. It was the life insurance lawyers. I suppose they were  
8 registered in federal court.

9 Q. A pretty serious affair in federal court, isn't it?

10 A. Well, I was very comfortable.

11 Q. Well, I understand that, but it's still a pretty serious  
12 business to be in federal court, isn't it?

13 A. I was completely unintimidated.

14 Q. During your trial when you testified you took an oath to  
15 tell the truth before you testified.

16 A. Yes.

17 Q. Now, when you testified at that civil trial, you  
18 testified differently than some things you said in your  
19 deposition, didn't you? Right?

20 A. I don't -- say the question again.

21 Q. When you testified at trial, you testified differently  
22 than some things you said in your deposition under oath;  
23 isn't that right?

24 A. I don't know.

25 Q. Well, Judge Wright concluded that your statements at

—IVERS - CROSS—

1 trial and your statements in the deposition were strikingly  
2 inconsistent.

3 MR. SCOTT: I'm going to object, Your Honor, to  
4 what the witness out of court may have said as to that  
5 issue. I don't think that that out-of-court statement  
6 should be used to attack credibility.

7 THE COURT: Sustained.

8 BY MS. ALLYN:

9 Q. Did Judge Wright find that you lacked credibility in  
10 that civil hearing?

11 MR. SCOTT: I'm going to object again.

12 THE COURT: Sustained.

13 BY MS. ALLYN:

14 Q. Mr. Ivers, you have seen that we have in evidence  
15 Exhibit 21; isn't that right? And you have heard  
16 testimony -- this is the order from Judge Wright. And there  
17 was testimony in this trial that Judge Wright found that you  
18 lacked credibility. Didn't she find that?

19 MR. SCOTT: Your Honor, I'm going to object again.

20 THE COURT: Sustained. It's sustained.

21 Sustained.

22 MS. ALLYN: Your Honor, not for the truth of the  
23 matter asserted, but for the impact on Mr. Ivers.

24 THE COURT: Yeah. Here's what, I don't think  
25 we -- I don't think this is admissible. The finding about

—IVERS - CROSS—

1 his credibility is not admissible. That's just my feeling  
2 based on the objection.

3 MS. ALLYN: Your Honor, may we have a side bar?

4 THE COURT: Sure.

5 (Side-bar discussion.)

6 THE COURT: Okay.

7 MS. ALLYN: Your Honor, if I may.

8 THE COURT: Yes.

9 MS. ALLYN: We had testimony on this. It is a  
10 document in evidence. It's part of what he's mad about.  
11 It's part of --

12 THE COURT: Well, I understand, Ms. Allyn. Here's  
13 my problem. Giving the jury somebody else's opinion about  
14 whether a witness is telling the truth, I'm just -- that  
15 usurps their role.

16 MR. SCOTT: Especially an unavailable witness.

17 MS. ALLYN: If the concern is that they are  
18 holding it against him here, there could be this cautionary  
19 instruction, but it's part of what is making him so angry at  
20 Judge Wright, is through retaliation --

21 THE COURT: But I think it's 403. I think the  
22 telling them that somebody else said he's not telling the  
23 truth is more harmful than the benefit that would come on  
24 cross to the government. That's my feeling.

25 MS. ALLYN: Well, if there is this cautionary

— IVERS - CROSS —

1 instruction, though, that they can't use it to his judge  
2 credibility --

3 THE COURT: Well, I mean, I just think that we  
4 don't give juries enough credit. If I am letting somebody  
5 else who has heard testimony about a case I don't know  
6 anything about that's made a credibility finding, I'm just  
7 bothered by the fact that we tell the jury, well, this is  
8 what somebody else thought.

9 MS. ALLYN: But how is his credibility not an  
10 issue for the jury to evaluate?

11 THE COURT: Okay. Well --

12 MR. RANK: If he's lying and there's been a  
13 judicial finding that he -- that's admissible.

14 MR. KELLEY: No, it's not.

15 MR. RANK: Sure it is.

16 MS. ALLYN: How is it not?

17 MR. KELLEY: It's not admissible if -- a judicial  
18 finding of lying in the past?

19 MR. RANK: Yes.

20 MR. KELLEY: No. That's not --

21 MR. RANK: It goes to his credibility.

22 MR. SCOTT: What? What?

23 MR. RANK: That she found him not to be credible.

24 MR. SCOTT: No, no, no, no. No, no. Those are  
25 two different words. You said a lie. Sometimes a

—IVERS - CROSS—

1 particular lie may be admissible to attack the credibility  
2 of a witness, but a general finding of credibility is not a  
3 specific example. Then you are just talking about, if  
4 nothing else, reputation. But second of all is it's a  
5 finding by a person who is not in court, has not testified  
6 as to the basis for it and it's about a collateral matter  
7 and --

8 MR. RANK: It's not about a collateral matter.

9 MR. SCOTT: Yes, it is. It's a collateral matter.  
10 And then other than generally you want to prove it up, you  
11 don't have a specific statement that is made that where he  
12 says she called me a liar and therefore. And then it might  
13 be admissible that she called him a liar in fact, but that's  
14 not what you have in any of your things here.

15 MR. RANK: But what we do have is an --

16 MS. ALLYN: It's impeachment.

17 MR. RANK: -- official document. He is charged  
18 with retaliating against her for her official duties and  
19 this is --

20 THE COURT: I agree with all that. I just think  
21 the prejudice -- it's unfair prejudice, unfair prejudice.

22 (Side-bar discussion concluded.)

23 THE DEFENDANT: Thank God. White noise.

24 BY MS. ALLYN:

25 Q. Mr. Ivers, you lost your lawsuit before Judge Wright

—IVERS - CROSS—

1       because she ruled in favor of the insurance company, didn't  
2       she?

3       A.   Yes.

4       Q.   And she ruled in favor of the insurance company because  
5       she determined that what you wrote on that insurance  
6       application was willfully false or intentionally misleading,  
7       didn't she?

8               MR. SCOTT:  I'm going to object, Your Honor.  Same  
9       grounds.

10              THE COURT:  Sustained.

11       BY MS. ALLYN:

12       Q.   Mr. Ivers, you lost that lawsuit before Judge Wright;  
13       isn't that right?

14       A.   Yes.

15       Q.   And that made you very angry to lose that lawsuit.

16       A.   It was a hundred thousand dollars.  I was living in my  
17       car.

18       Q.   And not just that you lost a hundred thousand dollars,  
19       but Judge Wright claimed that you wrote down something  
20       intentionally misleading, right?

21              MR. SCOTT:  I'm going to object, Your Honor.  Same  
22       objection.

23              THE COURT:  That's overruled.

24              THE DEFENDANT:  No, that doesn't bother me at all.

25       The part that bothers me at all is that a six-person jury

— IVERS - CROSS —

1 didn't hear it, instead of just the Almighty Judge Wright.

2 BY MS. ALLYN:

3 Q. You don't care at all that Judge Wright said you are the  
4 reason that you lost this lawsuit --

5 MR. SCOTT: I'm going to object. I'm sorry. The  
6 question is not done.

7 I'll let you finish.

8 BY MS. ALLYN:

9 Q. It doesn't upset you at all that Judge Wright said that  
10 you are the person that wrote something willfully false and  
11 intentionally misleading on an application and that's why  
12 she ruled in favor of the insurance company and that does  
13 not bother you?

14 A. That did not --

15 THE COURT: Ms. Allyn.

16 Wait, wait, wait, wait.

17 Ms. Allyn. Wait a minute. I want to make sure I  
18 understand the record. I thought what Judge Wright found  
19 was that someone else made a misleading statement and that's  
20 why Mr. Ivers didn't prevail. Is my understanding of what  
21 Judge Wright determined incorrect?

22 MS. ALLYN: Yes.

23 MR. SCOTT: Your Honor, I think Judge Wright  
24 didn't find who did it.

25 MS. ALLYN: Your Honor, I --



—IVERS - CROSS—

1 THE COURT: Well, wait a minute. Wait a minute.

2 MS. ALLYN: -- believe you had directed the  
3 question to me, if you don't mind, Your Honor.

4 THE COURT: Yeah.

5 MS. ALLYN: And that is not fully accurate.

6 THE COURT: Okay.

7 MS. ALLYN: Judge Wright determined --

8 MR. SCOTT: Your Honor, can we have this  
9 discussion not in front of the jury?

10 THE COURT: Yes. Yeah, sure.

11 (Side-bar discussion.)

12 THE COURT: Okay. Here's kind of my broad, broad  
13 understanding of what the finding was. I thought that the  
14 claim was that plaintiff's claim was denied because there  
15 was a false and misleading application for the policy. And  
16 so he didn't make the misleading statement or the false  
17 statement. I thought it was Mr. Tallman.

18 MS. ALLYN: No. He --

19 THE COURT: Go ahead.

20 MS. ALLYN: He wrote down the answers from  
21 Mr. Tallman. Now, he likes to claim that he was just  
22 writing down what Mr. Tallman told him. But Judge Wright  
23 did make a point to say maybe Mr. Tallman is telling you  
24 what to write down, maybe you are writing it down, but what  
25 Mr. Ivers wrote down is what she determined was a willfully

—IVERS - CROSS—

1 false and misleading application.

2 MR. RANK: And he testified --

3 MR. SCOTT: That's a pretty -- they are trying to  
4 blame it on him. But, again, where are we going? And the  
5 only other thing I have to say is I'd like the court to tell  
6 them that they're off in this wilderness and they've got 55  
7 minutes.

8 THE COURT: I'm going to tell them that.

9 MR. RANK: We only asked two questions, and we  
10 spent ten minutes up here on your objection.

11 MR. SCOTT: Well, just keep the idea. Now you are  
12 wasting time.

13 MR. RANK: I think if you ask Mr. Ivers whether he  
14 filled out the box, he will admit that he did because that's  
15 how he testified at the trial and says he checked the box.

16 MR. SCOTT: And then he's going to say, well, then  
17 the judge claimed I'm a --

18 THE COURT: Here's just kind of my -- here's just  
19 kind of my feeling, that somebody else's credibility finding  
20 usurps the jury's role. How is that -- you know, tell me  
21 how I am missing that.

22 MS. ALLYN: Retaliation. This is part of it. We  
23 have to prove retaliation for Judge Wright's dismissal of  
24 the lawsuit. Dismissal of the lawsuit included finding he's  
25 the reason. She's not the reason.

—IVERS - CROSS—

1 THE COURT: Well, can't you just say, Isn't the  
2 reason you are mad at Judge Wright is because she beat you  
3 on the claim?

4 MR. RANK: She didn't beat him on the claim.

5 THE COURT: Yes, she did. She denied his claim.

6 MS. ALLYN: And ruled in favor of the insurance  
7 company.

8 THE COURT: Right. She beat his claim.

9 MR. RANK: Well, I don't think the judge beats.  
10 The judge makes the determination that the claim has no  
11 merit. It doesn't beat the claim.

12 THE COURT: Wait a minute. That's exactly what  
13 judges do, isn't it?

14 MR. RANK: Well, I don't know that you beat a  
15 claim. It sounds --

16 THE COURT: Well, I never had enough clients that  
17 I -- okay. I'm just not going to let it in.

18 MS. ALLYN: Okay. Thank you, judge.

19 (Side-bar discussion concluded.)

20 THE COURT: Okay. Are you 14 okay? Okay. If you  
21 need a break, raise your hand. Okay.

22 Okay, Ms. Allyn.

23 MS. ALLYN: Thank you, Your Honor.

24 BY MS. ALLYN:

25 Q. Mr. Ivers, you testified here today that your federal --

—IVERS - CROSS—

1 no. Let me back up. The attorney that submitted your  
2 complaint in state court. Remember talking about him?

3 A. Yes.

4 Q. And you claimed that he wasn't going to represent you in  
5 federal court anymore because he wanted to move to Hawaii.

6 A. Correct.

7 Q. But actually didn't he submit a motion to withdraw as  
8 counsel because you were asking him to send communications  
9 that he found repugnant?

10 A. Judges are very -- I have my teeth in now, so I'm going  
11 to take them out. I talk like Tweety bird. Judges are --  
12 they don't like it when counsel withdraws for a client. And  
13 they asked me, both Eric and Demetri, they said, Bob, we  
14 filled out this report here and it says, you know, you don't  
15 like this and you don't like that, and they said we want to  
16 move on with our lives, would you please sign it. And I  
17 said sure, I will. And so they juiced it up to make it look  
18 like that we were all unhappy with each other. It's sort of  
19 like everybody in a rock band suing each other over some  
20 record deal.

21 THE COURT: Mr. Ivers, here's the question that  
22 the lawyers asked you. But actually didn't he, referring to  
23 your lawyer, submit a motion to withdraw as counsel because  
24 you were asking him to send communications that he found  
25 repugnant? That's the question that the lawyers posed to

—IVERS - CROSS—

1       you.

2                   THE DEFENDANT: I don't remember that. You would  
3       have to show it to me.

4       BY MS. ALLYN:

5       Q. Sure. I will show you what was filed as Document 45 in  
6       your civil lawsuit entitled Motion to Withdraw As Counsel of  
7       Record Without Substitution For Plaintiff Robert Ivers,  
8       submitted by Demetri Lametti with a signed affidavit, sworn  
9       testimony by Eric Peterson.

10                   May I approach, Your Honor?

11                   THE COURT: You may.

12                   MS. ALLYN: May I inquire at the stand?

13                   THE COURT: Yes.

14                   MS. ALLYN: Thank you.

15       BY MS. ALLYN:

16       Q. Mr. Ivers, I'm going to direct your attention --

17       A. Can I hold it?

18       Q. Oh, sure. Do you see that sentence? I can direct you  
19       to the word repugnant if you'd like.

20       A. Yeah, I know, but I don't remember sending any repugnant  
21       letters to anybody. That's the part that I'm confused  
22       about.

23       Q. The question actually is --

24       A. Right, but like I told you we did that so that they  
25       could get out of the contract.

—IVERS - CROSS—

1 Q. Okay.

2 A. But I don't remember any actual repugnant letters.

3 Q. Mr. Ivers, if I could show you to page, 1, 2, 3, 4 of  
4 that document, do you see where your attorney signed under  
5 oath for this motion to withdraw? Do you see that?

6 A. Yeah.

7 Q. Yeah. And I show you on page 1 -- why don't you read  
8 what's highlighted in green?

9 A. "And asks counsel to send communications which counsel  
10 finds to be repugnant and not to be in the best interests of  
11 the client."

12 Q. So that's why your federal attorneys were not  
13 representing you in the civil lawsuit anymore, right, not  
14 because they moved to Hawaii.

15 A. Except for we never sent anything to anybody. I think  
16 they just did that to get out -- the judges are real fickle  
17 about letting somebody drop out of a case.

18 Q. So they didn't send anything to anybody because they  
19 asked to leave your case -- remove themselves from the case  
20 before they had to do so, right?

21 A. Well, I don't think we drafted anything up to look at to  
22 do so. It was just them to get out the back door because  
23 they didn't want to be the attorneys anymore and wanted to  
24 move on. It was basically, I guess, they were lying. I  
25 can't help it if they sign something --

—IVERS - CROSS—

1 Q. Well, sir, you claim that they weren't representing you  
2 to move to Hawaii. Isn't that what's inconsistent to what  
3 they filed in Document No. 45, right?

4 A. No. They told me they were going to have great  
5 difficulty quitting the case, that judges were very fickle  
6 about it. And they asked me if I would please sign that.  
7 And I was a good sport and I said yes, you are unhappy. And  
8 they said we need something strong to do it, otherwise the  
9 judge might deny it and he might make us stay with you. And  
10 so I signed it for them. I -- you know, could you produce a  
11 repugnant letter?

12 Q. And so you saw that that defense attorney, though,  
13 signed under oath saying that they were withdrawing because  
14 of your demands, not to move to Hawaii, right?

15 MR. SCOTT: I object, Your Honor, as asked and  
16 answered and argumentive.

17 THE DEFENDANT: It was their signature and their  
18 oath. It wasn't mine.

19 MR. SCOTT: Bob.

20 MS. ALLYN: I withdraw the --

21 THE COURT: I'm sorry. Overruled.

22 MR. SCOTT: The answer is already in, Your Honor.

23 THE COURT: All right.

24 BY MS. ALLYN:

25 Q. Mr. Ivers, let's talk about your March 14th statement.

—IVERS - CROSS—

1 That's when the deputies came to ask you about that threat  
2 you made against Judge Wright. I assume remember that. It  
3 just happened this morning, right?

4 A. Yes.

5 Q. This is your sister's house, right?

6 A. Yes, that's my sister's townhouse.

7 Q. And you were just staying there since about December,  
8 right?

9 A. Yes, I think in the very first part of December. Maybe  
10 December 10th precisely.

11 Q. You were sleeping downstairs? That's your bedroom?

12 A. She has a guest bedroom in the basement.

13 Q. Your sister is the one who answered the door when the  
14 marshals came, right?

15 A. Yes.

16 Q. And she came down. She asked you to come upstairs and  
17 talk to the marshals at the door, right?

18 A. Yes.

19 Q. The marshals never came all the way inside the house,  
20 did they?

21 A. I guess not.

22 Q. And one moment. I just need my mouse, so I can --

23 A. I'm a little bit borderline diabetic. That's why I sip  
24 on water a lot, in case anyone wanted to know.

25 Q. Now, you finally got to the door and the marshals were



—IVERS - CROSS—

1       there. And you were agitated the very second you got to  
2       that door, weren't you?

3       A. Yes.

4       Q. All right. And it takes like five minutes. I mean,  
5       your voice isn't first on this recording till about minute  
6       five. So I'm going to take Exhibit 14 to about minute five,  
7       if I can see right.

8       A. Are we going to listen to it or read the transcript?

9       Q. Yeah. Here you go.

10                       (Audio recording is playing.)

11       Q. So you are asking whether they got -- you are wondering  
12       if they have an arrest warrant, right?

13       A. Yes.

14       Q. And, in fact, that's what you kind of ask right away.

15                       (Audio recording is playing.)

16       Q. Now, of course, they're not going to arrest you for  
17       anything unless you did something wrong, right? But what  
18       happened is you knew you had crossed the line when you made  
19       that threat against Judge Wright. So you knew that's why  
20       they were coming; isn't that true?

21               MR. SCOTT: I'm going to object to the form of the  
22       questions. There's three questions there, Your Honor.  
23       There's a statement of fact and then two separate questions.

24               THE COURT: Okay. Well, she'll restate the  
25       question.

— IVERS - CROSS —

1 MS. ALLYN: Sure.

2 BY MS. ALLYN:

3 Q. They would only need an arrest warrant to arrest you if  
4 you had done something illegal, right?

5 A. Yes.

6 Q. And you knew at this time when those marshals were at  
7 your door that you had crossed the line when you made that  
8 threat against Judge Wright to those lawyers, right?

9 A. I never made a threat against Judge Wright.

10 Q. You knew exactly why those marshals were there to  
11 interview you that day, right?

12 A. No, I did not.

13 Q. Well, let's listen a little bit.

14 (Audio recording is playing.)

15 Q. Your sister asked you to go find out why those marshals  
16 were there, but you told her that you already knew why they  
17 were there; isn't that right? That's what you said.

18 A. Okay.

19 Q. Because you did already know why they were there, didn't  
20 you?

21 A. There was a lead-up to it of some sort. They were -- in  
22 September or something they had been by, and I just figured  
23 it was more follow-up to the same thing.

24 Q. Now, sir, on September 1st, 2017, two different marshals  
25 came to visit you in Minnesota; isn't that right?

—IVERS - CROSS—

1 A. You know, I've put all of this in a cloud behind me, and  
2 I have to think a little bit now. Help me -- help me think.  
3 Now say the date again.

4 Q. In September.

5 A. In September.

6 Q. 2017.

7 A. Okay. We're in '19? Are we in '18 still?

8 Q. Sir, when these marshals came to visit you March 14,  
9 2017 --

10 A. Where was I?

11 Q. In Fargo. You already knew that they were coming there  
12 because you knew you had made that statement about Judge  
13 Wright, because at this time in this interview they have not  
14 told you yet why they are there; isn't that true?

15 A. I didn't know anybody was coming to see me in Fargo.

16 Q. Right. So when the marshals showed up at your door,  
17 before they said one reason why they were there, you already  
18 knew why they were there and that's what you told your  
19 sister, right?

20 MR. SCOTT: Your Honor, object to the form of the  
21 question again. There's four statements in that question.

22 THE COURT: Would you rephrase, Ms. Allyn?

23 MS. ALLYN: Sure, Your Honor.

24 THE COURT: Thank you.

25

—IVERS - CROSS—

1 BY MS. ALLYN:

2 Q. Mr. Ivers, if we were to continue to listen to this  
3 interview, you talk about Judge Wright, don't you?

4 A. In what?

5 Q. You talk about the F'g judge that stole your life during  
6 this interview on March 14th, don't you?

7 A. What are we talking about now? The phone conversation  
8 or the marshals?

9 Q. I'm going to talk to you about the --

10 A. I'm an old guy. I'm 65. I know that's not real old.  
11 But the marshals came and saw me when I was living at the  
12 Linberry House, they came into Hopkins, they came into  
13 Fargo. And so it's a mixy-match for me.

14 THE COURT: Mr. Ivers, where this started was  
15 Ms. Allyn posed this question, after I asked her to  
16 rephrase. Mr. Ivers, if we were to continue to listen to  
17 the interview -- I think she's talking about what's on the  
18 screen -- you talk about Judge Wright, don't you? That's  
19 the question that's before you right now, that she's asked  
20 you.

21 THE DEFENDANT: Say that again. I will pay closer  
22 attention.

23 THE COURT: Okay. The question that's pending is  
24 this interview of March when Deputy Seyfried, Deputy Marshal  
25 Seyfried came to see you. She is asking you if we -- that

—IVERS - CROSS—

1 is you and she -- continue to listen to the tape recording  
2 of the March interview with Deputy Seyfried and yourself,  
3 you talk a lot about Judge Wright, don't you? That's her  
4 question.

5 THE DEFENDANT: I talk a lot about Judge Wright  
6 with who?

7 THE COURT: In this interview do you talk a lot  
8 about Judge Wright?

9 THE DEFENDANT: With who? The marshals?

10 THE COURT: Yes.

11 THE DEFENDANT: When they came to Fargo?

12 THE COURT: Yes.

13 THE DEFENDANT: Well, when they questioned me in  
14 Fargo?

15 THE COURT: Yes.

16 THE DEFENDANT: Well, I don't know. Let's play  
17 the tape. It's a long time ago for me. Let's see if I talk  
18 about it.

19 BY MS. ALLYN:

20 Q. Mr. Ivers, we played the tape this morning. You heard  
21 Deputy Seyfried testify and play the tape.

22 A. Yeah. I still don't get what the question is.

23 Q. You talked about Judge Wright throughout your discussion  
24 with Deputy Seyfried --

25 A. Yeah.

— IVERS - CROSS —

1 Q. -- in Fargo on March 14th, didn't you?

2 A. Yeah, yeah.

3 Q. You talk about her, said she's the F'g judge that stole  
4 my money?

5 A. Mm-hmm. Mm-hmm.

6 Q. And you said that F'g judge, that you want to know what,  
7 she doesn't sleep very good, F her, right?

8 A. Yeah.

9 Q. You said that's the F'g judge that stole my money,  
10 right?

11 A. Yeah.

12 Q. That F'g, racial slur, N word, F'g judge stole my  
13 future. You said that, right?

14 A. Yes.

15 Q. And you said that F'g judge stole my F'g life, right?

16 A. Yeah.

17 Q. F her. You said that, right?

18 A. Well, it's on the tape.

19 Q. Do you want me to play it?

20 A. If you want to.

21 Q. You tell them that I am crazy F'g angry, right?

22 A. Yes.

23 Q. All of that is about Judge Wright to Deputy Seyfried on  
24 March 14th, correct?

25 A. The segue to that was that the marshals had come over to

—IVERS - CROSS—

1 the previous house I was living at in September, and they  
2 made inquiries about the Judge Tunheim thing, and then them  
3 showing up in Fargo I thought was just an escalation of  
4 that. And when they showed up, if you reverse the tape, he  
5 explains, he says I'm here to talk about Judge Wright. I  
6 was clueless.

7 Q. No. Actually, let's reverse it.

8 A. Well, let's, yeah, let's go back.

9 Q. Because before you started talking about the F'g judge  
10 that F'g stole your life, at least at the very beginning,  
11 they had not told you why they were there. So you show up  
12 at about 5 minutes, 40 seconds. I guess we will have to  
13 play the whole --

14 A. Well, here I can --

15 (Audio recording is playing.)

16 Q. See if I can get it to --

17 (Audio recording is playing.)

18 Q. Do you see that the transcript is going to stay?  
19 Nothing is going to change. No words said about Judge  
20 Wright. And I am moving it up to about 5 minutes,  
21 30 seconds.

22 (Audio recording is playing.)

23 Q. And there we go. That's that fucking judge that stole  
24 my money. But they had never told you Judge Wright's name;  
25 isn't that right?

— IVERS - CROSS —

1 A. Yes, except for that was --

2 Q. No. That's my question. Thank you. And you made a  
3 claim that it's a continuation from having been visited in  
4 September by marshals. Isn't that what you were saying  
5 earlier, right?

6 A. Yes.

7 Q. But, sir, September, October, November, January,  
8 February to March is about seven months; isn't that right?

9 A. Wait a minute now. Start again. September, October,  
10 November, December.

11 Q. So about seven months later.

12 A. Four.

13 Q. September.

14 A. September, October, November, December.

15 Q. January, February. And they are there in March.

16 A. February.

17 Q. And, sir, supposedly after September 1st when the  
18 marshals visited you you never sent any more letters to  
19 Judge Wright, did you?

20 A. I never sent any letters to Judge Wright.

21 Q. You never sent any letters to Judge Wright?

22 A. Not after the day of the trial. I hadn't had any  
23 contact with Judge Wright for 18 months or 16 months or I --  
24 up until today, two years. When I walked out of the  
25 courtroom -- we had a two-day trial. When I walked out of



—IVERS - CROSS—

1 the courtroom, I don't know anything about her. I haven't  
2 seen her. I don't know anything about her. I don't know  
3 where she lives, her routine, nothing. I haven't had any  
4 contact whatsoever with the judge.

5 Q. Okay. Let's look at Exhibit 7 and page on down to the  
6 envelope, which is going to be -- this one could be kind of  
7 hard. There we go. I'll blow this up for you a little bit.  
8 It's to Judge Wright, the judge you just said you had no  
9 contact with after January. And then, in fact, the postmark  
10 from Hopkins where you were living is August 22nd, 2017,  
11 right?

12 A. Mm-hmm.

13 Q. And it's from you. It's got your name on it, right?

14 A. Mm-hmm.

15 Q. Okay. So right there is at least one letter of contact  
16 with Judge Wright after the trial of January.

17 A. I forgot after she made her decision that I sent this  
18 retort. And isn't it a motion?

19 Q. You --

20 A. Chief Judge Tunheim?

21 Q. -- sent other letters to Judge Tunheim about --

22 A. Let's go back to the Judge Wright one you were just  
23 talking about.

24 Q. No. Let's talk about how you could forget the fact that  
25 you sent dozens of letters in a three-day period in August,

—IVERS - CROSS—

1 right?

2 A. I don't remember.

3 Q. So I'll show you the postmark on Exhibit 4. August  
4 22nd, 2017, right? Sent it to Judge Tunheim because you  
5 thought you were cheated?

6 A. Yes.

7 Q. By who? Judge Wright; is that right?

8 A. Yes.

9 Q. And then Exhibit 5. Now it's to the clerk of courts.

10 A. Yes.

11 Q. Also saying you are cheated by Judge Wright; isn't that  
12 correct?

13 A. Okay.

14 Q. Same date, August 22nd, 2017, right?

15 A. Clerk of court.

16 Q. Okay. But about Judge Wright, correct?

17 A. About Judge Wright, but not to Judge Wright.

18 Q. Sure. And Exhibit 6.

19 A. Judge Becky Thorson.

20 Q. Yep. She did buy one of your judges, Judge Wright,  
21 correct?

22 A. Yes.

23 Q. Also sent August 22nd, 2017, right?

24 A. Yes.

25 Q. Well, and then that brings us to the exhibit we were

—IVERS - CROSS—

1 just looking at. That did go to Judge Wright?

2 A. Except for I think that was a motion that I filed.

3 Q. Nope. It's just --

4 A. It was a copy of a motion. Well, it has --

5 Q. Judge Wright.

6 A. Yes, but it has evidence in it for -- look, it says  
7 filed response on it.

8 Q. Okay. I've moved on to Exhibit 8. And now we're three  
9 days later. August 25th, 2017; is that right? And if we  
10 look on the back of that envelope, page 2, you write Judge  
11 Wright is a corrupt judge, right?

12 A. Right, but it's to Judge Becky Thorson. It's not to  
13 Judge Wright.

14 Q. Sure. But you said you hadn't had anything to do with  
15 Judge Wright after her --

16 A. I didn't have anything to do with her. That's Judge  
17 Becky Thorson.

18 Q. And because you sent that to Judge Thorson --

19 A. It has nothing to do with Judge Wright. It has to do  
20 with Judge Thorson.

21 Q. You sent that to Judge Thorson --

22 A. And the one to Judge Tunheim was for Judge Tunheim.

23 Q. Hold on. Sent it to her the same day you also sent  
24 another letter to Judge Wright; isn't that right? And this  
25 is Exhibit 10, right? See that? Here. Maybe I need to

—IVERS - CROSS—

1 show you. Do you see where it says Judge Wright?

2 A. Okay.

3 Q. And this is the one sent August 25th, 2017.

4 A. Mm-hmm.

5 Q. So now do you remember that after your trial with Judge  
6 Wright you actually sent her and others several letters  
7 involving Judge Wright?

8 A. Well, those were court papers that I believe I filed  
9 with the court.

10 Q. You know what? That's not my question. You claimed  
11 that you hadn't had anything to do with Judge Wright after  
12 you walked out that door on your trial date, but that's not  
13 true because you actually sent her letters, didn't you?

14 A. I don't think I sent her letters. I think I filed them  
15 with the court. I think those are court papers that I  
16 filed. I don't recall ever sending Judge Wright a personal  
17 letter after that trial. I made an attempt to file some  
18 motions, and then I sent some arguments to Judge Tunheim and  
19 then some arguments to Judge Becky Thorson.

20 Q. There's no more question in front you.

21 A. But I don't believe I mailed anything to Judge Wright  
22 that had any contact with her. I don't remember any.

23 Q. Do you remember on April 24th, 2018, you had a court  
24 appearance in North Dakota on this case before Judge  
25 Senechal, right?

—IVERS - CROSS—

1 A. Yes.

2 Q. At that court appearance you told -- well, let me back  
3 up. At that court appearance you were also placed under  
4 oath, weren't you?

5 A. Yes.

6 Q. And at that court appearance you told the judge under  
7 oath that you hadn't said or talked anything about Judge  
8 Wright in 15 to 16 months; isn't that right?

9 A. That's correct. At least I -- I think so.

10 Q. Okay. But you just said that during your March 14th,  
11 2017, interview in Fargo with Deputy Seyfried you did talk  
12 about Judge Wright.

13 A. I don't get the question.

14 Q. Okay. You have admitted that on March 14th, talking to  
15 Deputy Seyfried, you talked about Judge Wright, you know,  
16 calling her an F'g judge who stole your life, right?

17 A. When I talked to the marshal in our conversation?

18 Q. Yep.

19 A. I guess so.

20 Q. Okay. And then when you were --

21 A. But that's not talking to Judge Wright. That's talking  
22 to the marshal.

23 Q. Sure. But about Judge Wright?

24 A. So what.

25 Q. And you told Judge Senechal under oath, though, that you

—IVERS - CROSS—

1        hadn't talked anything about Judge Wright in 15 to  
2        16 months.

3        A.    Talked anything about her or talked to her or had  
4        contact with her?    I haven't had any contact with Judge  
5        Wright since I walked out of that courtroom.    Now, I think I  
6        made an attempt to file a motion, the one that I was saying  
7        that I thought was very good, and filed political -- filed  
8        papers with the court or maybe an argument, but I never sent  
9        any kind of a personal letter to Judge Wright or --

10      Q.    And, sir, under oath --

11      A.    -- or anything that I can remember.    I just don't  
12      remember.

13      Q.    Sir, under oath to Judge Senechal you also told her that  
14      you had never left the State of North Dakota since  
15      December 13th, 2017, right?

16      A.    December 13th.

17      Q.    I can show you --

18      A.    Yes.

19      Q.    -- the transcript.

20      A.    I guess so.    I was in handcuffs and was in shock from  
21      just being arrested.    I was like fresh into my arrest, like  
22      20 hours fresh into being seized by a SWAT team.

23      Q.    So that was a lie because you had actually left North  
24      Dakota on April 3rd to come to Twin Cities.

25      A.    I completely forgot that I grabbed a Greyhound to go

—IVERS - CROSS—

1 into town to get money and to the bank.

2 Q. You were under oath before a judge.

3 A. I forgot.

4 Q. Now, sir, let's talk about your phone call to  
5 Ms. Friedemann and Anne Rondoni Tavernier. Okay?

6 A. Yes.

7 Q. The court had referred you to this Pro Se Project to  
8 talk to them; isn't that right?

9 A. Say that again.

10 Q. You were assigned to them to consult with as pro se  
11 lawyers, right?

12 A. Yes.

13 Q. And they made a phone call because you were in North  
14 Dakota and they were in Minneapolis, right?

15 A. They called me.

16 Q. Yep. And the call was February 27th, 2018?

17 A. As far as I understand it.

18 Q. Did you even remember the names of those lawyers before  
19 today?

20 A. I didn't know the names of the lawyers.

21 Q. You had never met them before?

22 A. I knew the names of Tavernier about a month ago and  
23 Friedemann maybe two -- on June 18th when she was at the  
24 hearing --

25 Q. Right.

—IVERS - CROSS—

1 A. -- at the hearing here and said that I had said that I  
2 imagined 50 ways to kill her. She goes, Mr. Ivers said he  
3 imagined 50 ways, which I don't think is against the law to  
4 imagine something.

5 Q. At the time of the phone call you didn't even know their  
6 names, did you?

7 A. No.

8 Q. You had never met them, had you?

9 A. No.

10 Q. You only ever talked to them on the phone about two or  
11 three times right around that February 27th, 2018, right?

12 A. I think I spoke with them one time.

13 Q. And it was just for a consultation about your federal  
14 case, right?

15 A. Yes.

16 Q. And so when I say "federal case," I mean your new  
17 federal case.

18 A. Yes.

19 Q. Right? And they told you that that new federal case was  
20 no good, right?

21 A. Well, they didn't just come out that abrupt about it.

22 Q. But pretty clear that your new federal case would be no  
23 good because of Judge Wright's order.

24 A. We philosophized for a while, and we did talk -- we  
25 actually had kind of a philosophical talk about the law and



—IVERS - CROSS—

1 various things and --

2 Q. And that included talking about Judge Wright's order was  
3 going to prevent you from filing a new suit, right?

4 A. At the very end they used that fancy Latin word that you  
5 used earlier, recata, and they told me I couldn't refile the  
6 case.

7 Q. Because of what Judge Wright had done.

8 A. No. I argued the fact. I said that they -- the cover  
9 sheet of the federal lawsuits, my original one, they have  
10 squares on the federal front sheets and you can file for --

11 Q. Mr. Ivers. Mr. Ivers.

12 A. I filed for Americans With Disabilities as opposed to  
13 the breach of contract.

14 Q. Mr. Ivers, they told you it was because of Judge  
15 Wright's order was going to prevent you from filing your new  
16 lawsuit, right?

17 A. They told me that because the case had been decided on  
18 that I couldn't file another one.

19 Q. Yep. And by "decided on," that means Judge Wright's  
20 decision is why you couldn't file, right?

21 A. Yes.

22 Q. And you're pretty mad about Judge Wright again during  
23 that conversation then?

24 A. Of course.

25 Q. She's stealing your life away from you again?

— IVERS - CROSS —

1 A. Yes.

2 Q. A hundred thousand dollars --

3 A. Yes.

4 Q. -- stolen from you?

5 A. Yes.

6 Q. All because of Judge Wright?

7 A. I have something interesting to say about that.

8 Q. Let's hear it.

9 A. If I may.

10 Q. Yeah.

11 A. Judge Schiltz and Judge Schultz, two judges, very nice  
12 men, gave me the benefit of the doubt. And when I lost the  
13 case to Judge Wright, because my grievance is she didn't  
14 give me a jury trial, this Judge Schiltz and Schultz, one's  
15 a judge and one's a magistrate, they were willing to take a  
16 walk with me on the deal. And what I had done is, yes, they  
17 were similar, very -- they were the same case only the  
18 breach of contract, which they have squares on the front of  
19 the civil cover sheet, all kinds of different things you can  
20 file for, and the original one was breach of contract, but  
21 they had another little square which was Americans With  
22 Disabilities Act. The big complaint with the insurance  
23 company and Judge Wright was that George Tallman was  
24 disabled and that's -- and there had been some  
25 misrepresentation of his physical condition, which they

— IVERS - CROSS —

1 never proved, that she dismissed the case. Well, I said,  
2 well, if George Tallman is disabled, then wouldn't he  
3 qualify under the American Disabilities Act? And they had a  
4 box that I could check, and I checked that box and --

5 Q. Well, that was the theory you wanted --

6 A. -- and I took it down to the --

7 Q. I will try to help a little bit here.

8 A. I took it to this federal courthouse right -- I took it  
9 to the one in Minneapolis, and Judge Schiltz and Schultz  
10 said we are going to work with you on that. They said  
11 here's your problem. They said you need to define more  
12 precisely what -- how he falls under the American  
13 Disabilities Act. And he said to do that --

14 Q. And I'm going to have to interpret you, so we can  
15 hopefully still get out of here at five.

16 A. -- to do that Lora can call me.

17 Q. No. Please let me ask this next question. They called  
18 you and said, though, it was because of Judge Wright. And  
19 that made you really angry that you couldn't do your second  
20 federal lawsuit, right? She stole your life.

21 A. I am in no rush to get out of here at 5:00. I just go  
22 straight back to jail. I'm actually in a rush to stay here.  
23 We can go till six if you want.

24 Q. I'm going to show you Exhibit 15. You were so mad at  
25 Judge Wright to hear again that she was stealing your life.

—IVERS - CROSS—

1 You said earlier today that you are still in an absolute  
2 tailspin over what Judge Wright did to you, right?

3 A. Now what point are you trying to bring up right now?  
4 What are you asking me?

5 Q. So that you were angry with Judge Wright during that  
6 phone call with the lawyers, weren't you?

7 A. Towards the end of it --

8 Q. Yes.

9 A. -- there might have been a little dust up.

10 Q. Right. And you told them that this fucking judge stole  
11 my life from me, right?

12 A. Yeah. Well, you want to know what? That's what they  
13 wrote down. I, quite frankly, hardly even remember the  
14 phone call. I am only agreeing just to go along to get  
15 along. They said all of this, and I'm nodding and saying  
16 yeah. I don't remember any of it. Okay?

17 Q. Well, you testified earlier you didn't say any of it,  
18 and now you say you don't remember it.

19 A. Well, that's the same thing.

20 Q. You told them that "This fucking judge stole my life  
21 from me," didn't you?

22 A. How could I remember the entire contents of a phone  
23 conversation?

24 Q. You told them, "I had overwhelming evidence." But Judge  
25 Wright did not give you a jury trial, did she?

—IVERS - CROSS—

1 A. This is why it should have been tape-recorded.

2 Q. These notes are written down.

3 A. Had it been tape-recorded, there would be no confusion.  
4 They are two very professional lawyers. They should have  
5 out of professional protocol hit a button in their office  
6 and tape-recorded the conversation. Then none of this would  
7 happen. None of us would be here. All they had to do was  
8 record it.

9 Q. Mr. Ivers, do you remember telling them that the "judge  
10 stacked the deck to make sure I lost this case"?

11 A. Yeah. Well, she did.

12 Q. Do you remember telling them that you didn't read the  
13 fine print, 30 days you missed, she's lucky there was not  
14 that hearing because you're going to throw some chairs,  
15 right?

16 A. You want to know what? Like I said, I've basically been  
17 nodding and saying yeah. I really don't remember  
18 everything, like she says, contemporaneously and verbatim.  
19 I just -- I would be a liar if I tried to say that I could  
20 note for note go over that phone conversation.

21 Q. But so you are admitting that you were angry with Judge  
22 Wright during your phone call with these lawyers, right?

23 A. Yeah, what I am admitting is that the phone call should  
24 have been recorded.

25 Q. That's not my question.

—IVERS - CROSS—

1 A. And so --

2 Q. You are admitting that during that phone call with those  
3 lawyers you were angry with Judge Wright; isn't that right?

4 A. Is your final point on this this last statement, you  
5 don't know the 50 ways? Is that the point you are trying to  
6 make?

7 Q. Sir, during your phone call with those lawyers you were  
8 angry with Judge Wright, weren't you?

9 A. Towards the end they got my ire up because every time,  
10 you know, I hear her name I do get a little mad. Yeah, I  
11 do. I wanted a jury trial, and she wouldn't give one to me,  
12 and then she decides to go against me. Gee. Go figure.

13 Q. She went against --

14 A. The judge says I don't want you to have a jury trial,  
15 and then she decides against me. Had we had a jury trial, I  
16 would have a sweet taste in my mouth if I lost, because I  
17 would have been treated squarely by, one, two, three, six  
18 citizens and none of this would be happening. We wouldn't  
19 have any of this. I wouldn't have been jailed. Nothing. I  
20 would -- because six people would have said I was wrong, and  
21 I would have walked away from it, but because I was denied a  
22 jury trial and then the very person who denied that trial to  
23 me sided against me.

24 Now, each one of you take that home tonight when  
25 you are sitting around and think about it. The very judge

—IVERS - CROSS—

1 that says I'm not going to give you a jury trial and then  
2 she decides against you.

3 Your other option was to have six people sit and  
4 listen and have the six decide. Now, come on. This is a  
5 federal judge of high standing. Their names are honorable.  
6 The Honorable Judge Wright. Well, the honorable thing to do  
7 would have been to give me a jury trial. She and I had huge  
8 sparring fights. It's -- you know, I told Judge Wright, I  
9 said, Judge Wright, I like you, I did, and she smiled. And  
10 I said, listen, I got to tell you the truth, I don't trust  
11 judges, I want to have a jury trial. It's in the transcript  
12 of the hearing. And she said no, I'm not going to give you  
13 a jury trial, and then she decides against me. All I wanted  
14 was six people to hear the case.

15 Q. And she decided against you. And then she didn't let  
16 you have a new hearing, did she?

17 A. I screwed up on the hearing because I got it too late,  
18 but judges have the power to do anything they want. And she  
19 should have said, you want to know what, I'm going to let  
20 you have the -- whether you are on time or not. Judges are  
21 so powerful.

22 Q. All right. And she didn't let you have -- she in  
23 her power --

24 A. Well, she decided against me. She probably thought this  
25 is wonderful, he screwed up on the potential of a new trial.

— IVERS - CROSS —

1 Q. That's right. Even with the power that she could have  
2 given you another trial and she didn't, did she?

3 A. Yeah. Had I filed the papers, had I filed the papers in  
4 time, I could have gone in there and argued my case and she  
5 still could have thrown it out.

6 Q. Well, you had the beautiful motion and she still would  
7 not --

8 A. I know, but I didn't get it in on time. I filed it  
9 about three days late, in hopes that maybe they would accept  
10 it. And if she was an honorable judge, an honorable one,  
11 she would have said, you want to know what, it looks good,  
12 I'm going to give you a second shot.

13 Q. She's not an honorable judge to you, is she?

14 A. No, she's not.

15 Q. I mean, you really hate her.

16 A. I think she should be thrown off the bench. And that's  
17 why I sent the letter to Judge Tunheim. I wanted him to  
18 intercede and walk down to her office and say, How could you  
19 be so goddamn dumb? You went against this guy. Look, he  
20 has uncontrovertible evidence in this case. He's a Joe  
21 six-pack. You decided with the towers of power against this  
22 poor little guy, who is living in his car. What is wrong  
23 with you? You could have at least sided against the  
24 insurance company. They have all the muscle, all the power.  
25 They could have filed an appeal, taken it to an appellate



— IVERS - CROSS —

1 court, and then everything would be happy and copacetic.

2 Instead, she picks on the weakest, tiniest little kid on the  
3 playground and beats him up.

4 Q. She picked up -- picked out on you?

5 A. Yes.

6 Q. She took all that money away --

7 A. Everybody in this room knows that Judge Wright and I  
8 have a grievance with each other.

9 Q. And that's why you said you don't know the 50 different  
10 ways I plan to kill her, didn't you?

11 A. I never said that.

12 Q. You saw those attorneys testify before --

13 A. Listen, since you brought it up --

14 Q. I'm asking you a question right now.

15 A. -- since you brought it up --

16 Q. Sir.

17 A. -- in this courtroom I have been accused of saying you  
18 imagined --

19 THE COURT: Mr. Wright -- Mr. Ivers, you are going  
20 to have to proceed by way of question and answer. We got a  
21 little off here. Okay?

22 THE DEFENDANT: Okay.

23 THE COURT: But listen carefully to Ms. Allyn.

24 Try to listen carefully to her question and then try to

25 respond to it, because if you don't, she's going to move to

—IVERS - CROSS—

1 strike it, whatever, if it doesn't respond to her question,  
2 and I'll have to rule. Okay?

3 So, Ms. Allyn, do you want to pose a question?

4 MS. ALLYN: Thank you, Your Honor.

5 BY MS. ALLYN:

6 Q. Mr. Ivers, you see in front of you the verbatim notes  
7 taken by Lora Friedemann, don't you?

8 A. Yes.

9 Q. And you heard her testimony here today and yesterday in  
10 this courtroom, didn't you?

11 A. Yes.

12 Q. And she told you that what you see on Exhibit 15 is what  
13 she wrote down that you said and she wrote that down  
14 verbatim, right?

15 A. Yes.

16 Q. You saw how emotional Lora Friedemann got when she  
17 talked about hearing those words that you said, right? You  
18 saw her --

19 A. I'm a little emotional five months in jail and looking  
20 at a 15-year prison sentence and a half-a-million-dollar  
21 fine too. I'm a little emotional about that. I'm looking  
22 at a 15-year prison sentence here and a  
23 half-a-million-dollar fine.

24 Q. Are you claiming that you did not say this, You don't  
25 know the 50 different ways I plan to kill her?

—IVERS - CROSS—

1 A. I'll tell you what I heard that woman say yesterday.  
2 She said, and my attorney has the note, she said Mr. Ivers  
3 said I imagined --

4 MS. ALLYN: Your Honor.

5 THE DEFENDANT: -- 50 different ways.

6 THE COURT: Okay.

7 THE DEFENDANT: She said -- she said I imagined 50  
8 different ways.

9 THE COURT: The question pending -- the question  
10 that's pending before you, Mr. Ivers, that was asked by the  
11 lawyer, You saw her. That's Ms. Allyn's question. She's  
12 asking about your seeing Ms. Friedemann yesterday. That's  
13 the --

14 THE DEFENDANT: Ms. Friedemann is a liar. She's  
15 come up with --

16 THE COURT: No, no, no.

17 THE DEFENDANT: -- four different stories.

18 THE COURT: No, no.

19 THE DEFENDANT: Imagined, plan, planned, thought.  
20 These people have five different stories that they tell, and  
21 my attorney will do it in closing argument. I'm looking at  
22 15 years in prison.

23 THE COURT: Okay. Mr. Ivers, the jury is going to  
24 be very confused. I'm talking over you. Okay?

25 So, Ms. Allyn, would you pose a new question?

—IVERS - CROSS—

1 BY MS. ALLYN:

2 Q. Mr. Ivers, are you saying that Lora Friedemann, an  
3 attorney for 23 years, is a liar?

4 A. At her June 18th hearing she said that -- she said it in  
5 front of this jury, if you were listening yesterday. She  
6 said Mr. Ivers -- he had her read it in front of this judge.  
7 She swore in front of this judge. It said Mr. Ivers says I  
8 imagined 50 different ways to kill her. Well, number one is  
9 I didn't say that; and number two is if somebody did imagine  
10 50 different ways to kill her, that's not against the law.  
11 Now, two sentences after she said that, two sentences after  
12 she said that -- my attorney wrote it down. It's on -- we  
13 can have it brought up on the transcript. She goes  
14 Mr. Ivers said I had imagined 50 different ways. Now you  
15 have planned here. I didn't say any of them.

16 And, furthermore, they should get their story  
17 straight. They have five different allegations. Do you  
18 understand I am looking at 15 years in prison here for five  
19 different allegations? These people can't even get their  
20 story straight. When they went to the original grand jury,  
21 they went with he had a plan to kill her. Well, three weeks  
22 ago they had to run up and change it. I have been sitting  
23 in jail on a charge that wasn't even valid. They had to go  
24 up and revalidate it four weeks ago and change it again.

25 Q. I'm going to ask you another question.

— IVERS - CROSS —

1 A. Do you understand I have lost my life? You've put me in  
2 jail for five months.

3 MS. ALLYN: I move to strike with respect to the  
4 comments as to --

5 THE COURT: You should ignore the last response of  
6 the witness.

7 THE DEFENDANT: Yeah, ignore. I lost my life.

8 BY MS. ALLYN:

9 Q. Now, your anger at Judge Wright is because she denied  
10 you a jury trial and she cheated you out of the money,  
11 right?

12 A. I am angry at Judge Wright because she is the worst  
13 possible example of justice.

14 Q. You were so mad at her that you were willing to call her  
15 a racial slur, right?

16 A. I was so mad at her that I was willing to call her a  
17 racial slur, yes. And is that against the law? What crimes  
18 here were against the law? Well, you sent Judge Tunheim a  
19 letter. Why wasn't I arrested? Because it's not against  
20 the law. They have done nothing but sling mud for three and  
21 a half days. And you will notice not one time, not once,  
22 was I arrested, not once did these guys say we took him in,  
23 we gave him a beating in the alley, he's a piece of scum, we  
24 arrested him, not one time, because, you know why, you can  
25 send a letter to a judge. And you can tell a judge to go

—IVERS - CROSS—

1       fuck himself; and if he wants to hold you in contempt of  
2       court, that's his prerogative. But the point is I broke no  
3       laws. I stood up for myself. I consider --

4               THE COURT: Okay. We're going --

5               THE DEFENDANT: -- myself a dignified individual.

6               THE COURT: Court is going to adjourn, ladies and  
7       gentlemen. It may be for the day; it may not be for the  
8       day. I need to visit with the lawyers.

9               THE CLERK: All rise.

10              THE COURT: We will be in recess.

11              THE DEFENDANT: You got to always look at the  
12       evidence. In this case there is no evidence. You got an  
13       arrest warrant? No evidence.

14                       **IN OPEN COURT WITHOUT THE JURY PRESENT**

15              THE COURT: Please be seated.

16              I need to ask both sides here, Is there a way to  
17       have Mr. Ivers off site and available by video in this  
18       courtroom?

19              MS. ALLYN: We could look into it, Your Honor. We  
20       don't know that answer right now.

21              THE COURT: All right.

22              MS. ALLYN: Perhaps, Your Honor, if I could have  
23       the court help direct when Mr. Ivers is not responding to  
24       the questions.

25              THE COURT: Well, I haven't been successful,

—IVERS - CROSS—

1 counsel, thus far. So I'd like to be optimistic that it  
2 could.

3 But, Mr. Ivers, you can't behave this way and --

4 THE DEFENDANT: Judge, I have been under a lot of  
5 pressure. You have to cut me a little bit of latitude.  
6 Now, you want to know what? I feel like I got in my two  
7 cents' worth. I feel like I vented, and I'm prepared to be  
8 a good little boy.

9 THE COURT: Well, we pride ourselves on proceeding  
10 in an orderly fashion. Okay?

11 THE DEFENDANT: I promise to do that.

12 THE COURT: And you have been way out of order.

13 THE DEFENDANT: You want to know what? I'm under  
14 a lot of pressure here, judge. I'm looking at 15 years in  
15 prison, a half-a-million-dollar fine. I was jerked out of  
16 society. I have been in jail for five months. You got to  
17 cut me a little slack here.

18 THE COURT: Well, everybody that's working here is  
19 under a lot of pressure.

20 THE DEFENDANT: Not 15 years in prison.

21 THE COURT: Well, I understand.

22 THE DEFENDANT: So you want to know what? I got  
23 out what I wanted to say.

24 THE COURT: Okay.

25 THE DEFENDANT: I am relaxed now and --

—IVERS - CROSS—

1 THE COURT: Okay. Ms. Allyn, how many more  
2 questions -- how much more testimony do you anticipate?  
3 Because we've got redirect yet.

4 MS. ALLYN: Yes, Your Honor. I could try to wrap  
5 this up in the next 15 minutes.

6 THE COURT: Okay. Well, I need some input.

7 Mr. Scott, should we continue this evening, or do  
8 you think we're better put over till tomorrow?

9 MR. SCOTT: No. I think we should continue this  
10 evening, Your Honor.

11 THE COURT: All right.

12 MR. SCOTT: I think a lot of it, as you know, as  
13 all the lawyers are doing in this case, and we are certainly  
14 included, it gets repetitive, and I think at a certain point  
15 we are going to get repetitive. If she doesn't wait -- and,  
16 Your Honor, I would say this. I thought she was baiting him  
17 and that's why she was letting him go, in hopes that he  
18 would go off like a tea kettle. And she has to hold him up  
19 immediately. If she wants to stop him, she has to stop him  
20 immediately, because you will back her up. We know that.  
21 And she let him run; and, you know, whether she succeeded in  
22 getting the baiting, it's a matter for the jury.

23 THE COURT: All right.

24 MR. SCOTT: But I think if she holds him under  
25 control, you will back her up.



—IVERS - CROSS—

1 THE COURT: All right. Well, here's what I need  
2 from you and counsel for the government. Here's what I need  
3 from you and counsel for the government. I don't know what  
4 to tell the jury about what's happened this afternoon so I  
5 can refocus them on their role. So I'm looking for input  
6 from both of you, because, you know, the environment that  
7 the -- I think Chief Justice Hughes said the judge was  
8 supposed to be the, quote, governor of the trial. So I  
9 don't feel very much like a governor, okay, that's supposed  
10 to be in control. So if you have got some way we can  
11 refocus the jury on the seriousness, despite the behavior of  
12 the defendant. They still have to assess the credibility of  
13 the many witnesses. There is some conflicts here. So I  
14 need your input. What do you think I should be telling  
15 them?

16 MR. RANK: Your Honor, I think the jury  
17 instructions that they are going to get are sufficient in  
18 this case, the jury instructions that they are going to get  
19 at the close of trial. I don't think you need to focus on  
20 any aspect of what's taking place in the courtroom, and I  
21 think to do so would actually be to focus on something too  
22 much.

23 THE COURT: All right.

24 MR. RANK: The instructions themselves properly  
25 instruct the jury. The instructions themselves properly

—IVERS - CROSS—

1       instruct them on their role in the case.

2               THE COURT: Mr. Scott, have you had a situation  
3       like this before?

4               MR. SCOTT: I've had a number of them, Your Honor.  
5       My clients walk off the stand and out the back door.

6               THE COURT: Do you think the instructions that  
7       Mr. Rank talked about are sufficient to --

8               MR. SCOTT: Yes, I do.

9               THE COURT: Okay. All right.

10              MR. SCOTT: I think the instructions you are going  
11       to give the jury will do so, Your Honor. I may not agree  
12       with the ones you give, but that's a different statement. I  
13       think the ones that we planned for about the jury's role,  
14       about credibility of witnesses, about the fact that there  
15       are elements and that that's what has to be proven, all of  
16       that I think is -- will handle with the jury. I think the  
17       jury may well -- I think the jury brings their common sense  
18       here, and I think the jury clearly understands what's going  
19       on here, and I think they can make their judgments based on  
20       that.

21              THE COURT: Ms. Labriola, do you want to retrieve  
22       the jurors?

23              THE CLERK: All rise.

24                       **IN OPEN COURT WITH THE JURY PRESENT**

25              THE COURT: Okay. Please be seated.

—IVERS - CROSS—

1 Ladies and gentlemen, I know the first thing you  
2 are wondering is how long we are going to be here, and I  
3 asked the lawyers that during the recess. Ms. Allyn  
4 believes she's going to be 15 minutes. She's not held to  
5 that, but she anticipates that's how long she will be. And  
6 then there may be some redirect. You will be out of here by  
7 5:30. Okay?

8 So, Ms. Allyn, you may proceed.

9 MS. ALLYN: Thank you, Your Honor.

10 BY MS. ALLYN:

11 Q. Mr. Ivers, are you ready for me to ask a question or  
12 should I give you a moment?

13 A. Go ahead.

14 Q. On direct testimony here today, you claimed in your  
15 phone call with the two lawyers that you didn't make any  
16 threats about Judge Wright at all; is that right? Am I  
17 understanding that right?

18 A. They called me. I didn't call them.

19 Q. I am going to try to do this better. Listen to my  
20 question. When you were testifying with Mr. Scott --

21 A. Yes.

22 Q. -- on direct, you claimed in the phone call with the  
23 attorneys that you didn't make any threats at all. That's  
24 how you testified, right?

25 A. That's correct.

— IVERS - CROSS —

1 Q. That you never made any threats --

2 A. Correct.

3 Q. -- about Judge Wright?

4 A. Correct. I think -- if I said that, you want to know I  
5 will stand by it.

6 Q. You testified that you never talked about how you had a,  
7 planned 50 different ways to kill Judge Wright.

8 A. I never said that.

9 Q. You never said anything like that at all?

10 A. Never.

11 Q. And so having heard the testimony from the lawyers where  
12 they testified and said you did say you don't know the 50  
13 different ways I plan to kill her, are you saying then that  
14 they are lying?

15 A. Yes.

16 MR. SCOTT: I'm going to object, Your Honor, to  
17 him -- I think that's an improper form of the question. Him  
18 calling other witnesses liars. But I also want to object  
19 that her statement that those lawyers that said it was a  
20 plan is improper.

21 THE COURT: Sustained. Sustained.

22 MS. ALLYN: Your Honor, if I could have direction  
23 on what objection was -- what was sustained.

24 THE COURT: Well, I think he was saying the form  
25 of the question was improper. That was the basis of his

—IVERS - CROSS—

1 objection, at least that's what I read.

2 Am I correct?

3 MR. SCOTT: That's correct, Your Honor.

4 BY MS. ALLYN:

5 Q. Mr. Ivers, when they testified that you made the  
6 statement you don't know the 50 different ways I plan to  
7 kill her, that they were lying?

8 A. Yes.

9 Q. Now, sir, you know that when you use words about a judge  
10 such as using the word "dead," you are going to get in  
11 trouble for it. It's going to be considered threatening to  
12 people, right?

13 A. In what context?

14 Q. Well, you were charged in Hennepin County in 2016 for  
15 leaving messages with Judge McShane; isn't that right?

16 A. Yes.

17 Q. And you left messages on a voicemail for Judge McShane  
18 that said things like you are going to treat me with F'g  
19 respect, you are going to find out who you're F'g with, you  
20 are going to see the F'g male is, you, dead F, right, to  
21 Judge McShane? Those are some of the statements, right?

22 A. It's a -- it's a tough bar room term. It's called a  
23 dead fuck.

24 Q. Mr. Ivers.

25 A. It means you are a loser.

—IVERS - CROSS—

1 Q. Mr. Ivers, you were charged in Hennepin County with  
2 making --

3 A. Well, that's how I said dead, dead fuck.

4 Q. Okay. So you admit that you left messages for Judge  
5 McShane in Hennepin County, including calling him a dead  
6 fuck, right? You admit that?

7 A. It's -- it's a tough bar room expression meaning loser.

8 Q. I know. But you were then charged in Hennepin County  
9 with terroristic threats and stalking by making repeated  
10 phone calls; isn't that right?

11 A. I was found not guilty.

12 Q. So my question is, You were charged in Hennepin County  
13 with terroristic threats and --

14 A. And found not guilty.

15 Q. -- and found guilty of a stalking charge by making the  
16 phone ring repeatedly with these messages, such as dead  
17 fuck, right?

18 A. I was found guilty because I made a phone call, you have  
19 to call at least twice, and it was his clerk who I didn't  
20 even know.

21 Q. Right.

22 A. But I got charged with it.

23 Q. You made sixteen different phone calls. And the judge's  
24 clerk got all those messages, didn't she?

25 A. Yes, except for they were all for the judge.

—IVERS - CROSS—

1 Q. And you -- the messages also said you F'g pig and talked  
2 about ripping out a fucking C-U-N-T, a woman's body part.  
3 All of that were part of the messages, right?

4 A. I was exonerated for the charge.

5 Q. But you were found guilty of the stalking charge  
6 involving the clerk who heard it, right?

7 A. It's only because I made a phone ring more than two  
8 times.

9 Q. Well, it's not only that you made a phone ring more than  
10 two times. The jury also had to know that the law clerk who  
11 heard the messages had felt threatened or oppressed, right?

12 A. You'd have to be at the trial. She wasn't threatened at  
13 all. I had a bad lawyer.

14 Q. Well, the jury found you guilty of that. And you admit  
15 to leaving those messages, right?

16 A. Say the last part.

17 Q. You admit to making those messages, right?

18 A. I admit to calling that judge, yes.

19 Q. And you weren't joking around when you were leaving  
20 those messages at all, were you?

21 A. I wasn't joking around at all, and I was acquitted of  
22 all charges by a jury. Jury.

23 Q. You were not acquitted of the charges for stalking by  
24 phone for all of the messages that the law clerk had to  
25 hear, right?

—IVERS - CROSS—

1 A. I didn't even know the girl. She just fetched up the  
2 judge's calls.

3 Q. That's right. And what you learned then from that trial  
4 is that a third party can hear your threatening words and  
5 you are going to be found guilty of those threatening words,  
6 right?

7 A. Not necessarily.

8 Q. But that's what happened in Hennepin County in 2016.

9 MR. SCOTT: I'm going to object, Your Honor. I  
10 think what she said is he was convicted of making phone  
11 calls, not of making threats.

12 THE COURT: Okay. Ladies and gentlemen, I've got  
13 to read you an instruction. Remember when I told you in  
14 preliminary instructions that you get instructions during  
15 the trial?

16 You've just heard evidence about Mr. Ivers'  
17 charges in Hennepin County. I believe they came about in  
18 2016. He was charged with two things. He was charged with  
19 stalking by phone, and he was charged with --

20 What's the other charge, counsel?

21 MR. SCOTT: Terroristic threats, Your Honor.

22 THE COURT: Terroristic threats. The jury found  
23 him not guilty of terroristic threats. The jury found him  
24 guilty of stalking by phone.

25 Now, here's the way you have to treat this under



—IVERS - CROSS—

1 the law. You may decide that by considering all of the  
2 evidence -- let me back up. So the evidence that you have  
3 heard or will hear about the underlying Hennepin County  
4 charges that Ms. Allyn has just asked Mr. Ivers about, you  
5 may consider this evidence only if you unanimously find it  
6 more likely true than not true. You may decide that by  
7 considering -- you may decide that by considering all of the  
8 evidence and deciding what evidence is more believable.  
9 This is a lower standard than beyond a reasonable doubt.

10 If you find this evidence, "this evidence"  
11 referring to the Hennepin County evidence, charges, then you  
12 may consider it to help you decide Mr. Ivers' intent,  
13 knowledge or absence of mistake with regard to the  
14 indictment with which he's been charged here in the District  
15 of Minnesota. You should give this evidence the weight and  
16 value you believe it is entitled to. If you find that this  
17 evidence has not been proved, you must disregard it.

18 You should remember even if you find the defendant  
19 may have committed these acts or similar acts in the past,  
20 this is not evidence that he committed such an act in this  
21 case, "this case" referring to the two-count indictment that  
22 we're here about in the District of Minnesota. Mr. Ivers is  
23 on trial only for the crimes charged here in this District  
24 of Minnesota, and you may consider the evidence of the prior  
25 acts only on the issue as stated above.

—IVERS - CROSS—

1                   You may proceed.

2                   MS. ALLYN: Thank you, Your Honor.

3           BY MS. ALLYN:

4           Q. Mr. Ivers, this was, what, like a two-day trial in  
5           Hennepin County; is that right?

6           A. Yes.

7           Q. And it was January of 2016?

8           A. Well, it was a real trial, and we did it, and I was  
9           acquitted, so whatever it was, it was.

10          Q. I'm sorry. I had the wrong date. January of 2017.  
11          Sound right?

12          A. If you say so.

13          Q. And you sat in that courtroom listening to the testimony  
14          and listening to the judge; isn't that right?

15          A. That's correct.

16          Q. And you understood that in order to be found guilty of  
17          that stalking charge that the victim would have to feel  
18          frightened, threatened, oppressed, persecuted or  
19          intimidated, right?

20          A. Is the way it is drafted, I think that's how they draft  
21          it up.

22          Q. Okay. You heard the judge say that to the jury, right?

23          A. I think maybe after the case, not prior to the case.

24          Look, this is a long time ago, and I sat there and just  
25          listened. You know, when you people give out these

—IVERS - CROSS—

1 instructions, I basically just say yes and nod my head  
2 because it is what it is; but if those were the  
3 instructions, they were the instructions.

4 Q. And it was just a year ago, January 2017, right?

5 A. My memory is gone.

6 Q. And it was before you made the threat against Judge  
7 Wright, right?

8 A. I didn't make any kind of a threat against Judge Wright.  
9 Stop trying to entrap me.

10 Q. You learned from your conviction in Hennepin County that  
11 your words can cross the line and make people feel scared  
12 and threatened?

13 A. I was not -- you want to know what? It is not against  
14 the law to be angry, now that you brought it up. You can be  
15 as angry as you goddamn want. See? Right there. It's not  
16 against the law.

17 You want to arrest me, marshal?

18 It's not against the law to be angry. Now, I sent  
19 those judges letters. If it's against the law, then they  
20 should have arrested me.

21 Q. Sir.

22 A. Just piling it on.

23 Q. Sir, the judge in that -- at sentencing told you that  
24 it's not against the law to be angry, but it is against the  
25 law to cross the line, didn't she?

—IVERS - CROSS—

1 MR. SCOTT: Your Honor, I'm going to object. It's  
2 hearsay, Your Honor.

3 THE COURT: Sustained.

4 BY MS. ALLYN:

5 Q. Now, Mr. Ivers, during that trial in Hennepin County you  
6 were admonished about your behavior towards Judge Wright,  
7 weren't you?

8 A. I don't remember. I don't remember any of that.

9 Q. Would it help if you looked at your sentencing  
10 transcript where the judge there admonished you about the  
11 letters you were sending Judge Wright?

12 MR. SCOTT: I'm going to object. That's hearsay,  
13 Your Honor.

14 THE DEFENDANT: Those letters were --

15 MR. SCOTT: Hold it.

16 THE COURT: Overruled. Overruled.

17 You may proceed, counsel.

18 BY MS. ALLYN:

19 Q. Would you like to see the sentencing transcript to be  
20 reminded of how that judge admonished you about what you  
21 were doing to Judge Wright?

22 A. I'll just take your word for it.

23 Q. You don't have to take my word for it. I will show you  
24 the transcript.

25 A. Well, in the efficiency of time, everyone is trying to

—IVERS - CROSS—

1 get home and everything, I'll just take your word for it.

2 That's fine.

3 Q. And so at your sentencing hearing, which occurred  
4 January of 25, 2017, you were warned that your  
5 correspondence with Judge Wright was concerning and going to  
6 cross the line, weren't you?

7 MR. SCOTT: I'm going to object, Your Honor. I  
8 mean, it's also a legal conclusion by somebody who doesn't  
9 know what the law is, which is a state court judge, and has  
10 no idea what federal law is.

11 THE COURT: Okay. The evidence of the sentencing  
12 that's just been offered, the judge, is only for notice.  
13 You can't use it for any other reason. It's notice to the  
14 defendant.

15 THE DEFENDANT: I'm always concerned in a case --  
16 BY MS. ALLYN:

17 Q. There's not a question before you, sir.

18 A. And there's no evidence.

19 Q. Well, there's --

20 A. If we would have just had a recording.

21 Q. You were also warned repeatedly by Deputy Hattervig --

22 A. I could care less.

23 Q. I haven't asked the question yet.

24 A. Yeah. Fine.

25 Q. You were asked repeatedly by deputy -- warned, warned

—IVERS - CROSS—

1 repeatedly by Deputy Hattervig that your words were  
2 threatening people.

3 A. Tough shit.

4 Q. That your words were scaring people.

5 A. Hey, arrest me.

6 Q. And Deputy Hattervig is a pretty nice guy, isn't he?

7 A. No. He was -- tape-recorded our conversations. He was  
8 a slime ball, actually. He baited me. He pretended to be  
9 my friend.

10 Q. Hold on.

11 A. He cozied up to me and he tried -- he asked me, he said,  
12 What are you going to do to Judge Wright if you lose this  
13 trial? He actually tried to bait me before the trial even  
14 happened to say something that could get me arrested.

15 Q. I need you to not talk.

16 A. No. He's a slime ball. He's not my friend.

17 Q. So I'm going to show you here what's Exhibit 1, and this  
18 is about page 5. And this is pretty much the first letter  
19 that we have been talking about in your trial sent the end  
20 of October 2017. And I'm sure you remember it; 8, 9 say I'm  
21 becoming a very dangerous person. Remember that letter?

22 A. Yeah. Mm-hmm.

23 Q. And this is before you talked to Deputy Hattervig  
24 January 4th, isn't that correct, for your pretrial?

25 A. Yes.

—IVERS - CROSS—

1 Q. Right? And Deputy Hattervig wanted to talk to you about  
2 this letter that you sent before -- had sent -- he wanted to  
3 ask you about this letter, right?

4 A. Yeah.

5 Q. And he told you that based just on this letter, just  
6 saying I'm becoming a very dangerous person, that is raising  
7 a red flag, that they're worried will it mean he's going to  
8 try and kill the judge or something, right?

9 A. Why would they think that?

10 Q. But he told you they thought that. Whether you agree or  
11 not, he told you that, right?

12 A. You want to know what? Here again, there's no  
13 transcript or recording. I don't -- no. And I don't  
14 remember him saying that to me.

15 Q. Okay. Would you like to hear the transcript? Or you  
16 heard it in court earlier when Deputy Hattervig testified  
17 and he warned you that they have got to take that stuff  
18 seriously, right?

19 A. That's what he said.

20 Q. Yep.

21 A. That doesn't mean it took place.

22 Q. Well, Deputy Hattervig also told you that the court gave  
23 him a copy of that letter because they were afraid it was  
24 threatening. He told you that, right?

25 A. I don't -- you know, I just don't remember.

—IVERS - CROSS—

1 Q. Is it easier to show you the transcript from January 4th  
2 and then you can remember?

3 A. You want to know what? If it will get the jury home to  
4 their dinner, I will say that I remember it, because it's  
5 bullshit. It doesn't mean anything anyways. You want to  
6 know why I was becoming dangerous? Because I was going to  
7 stick my hand in the fan of my car. I was going crazy. I  
8 wanted my trial to happen. It's an innocuous term. It  
9 doesn't direct itself at anything. It just says I am  
10 becoming dangerous.

11 Q. Now, Mr. Ivers --

12 A. I might jump off a bridge.

13 Q. Mr. Ivers.

14 A. All it was was to get the court moving.

15 Q. Mr. Ivers, Deputy Hattervig also told you during that  
16 January 4th, 2017, interview that your words are scaring  
17 people, right?

18 A. Well, that's his opinion.

19 Q. Yes. And he let you know that that wasn't just his  
20 opinion.

21 A. I could give a damn about his opinion. Fuck him.

22 Q. Then you sent even more letters in August?

23 A. Arrest me.

24 Q. And I showed you all of those letters in August, right?

25 A. Where's the arrest report?



—IVERS - CROSS—

1 Q. And so Deputy Hattervig and Deputy Farris Wooton came to  
2 talk to you again September 1st.

3 A. Here again, none of this is against the law. I was  
4 never arrested.

5 Q. Sir.

6 A. Anybody can send it.

7 THE COURT: Mr. Ivers. Mr. Ivers, you have to let  
8 her ask a question. Then you have to try to answer.

9 THE DEFENDANT: Did I send more letters? If you  
10 say so.

11 BY MS. ALLYN:

12 Q. Well, we just looked at all those letters.

13 A. Well, yeah, they are boring.

14 Q. And so Deputy Hattervig came to talk with you again.  
15 And you were impressed that he found you, right?

16 A. No. I know what he did. He hammered down on some  
17 illegal Mexicans in Hopkins and asked where I was. It was  
18 real poor cop work, to tell you the truth.

19 Q. And the time Deputy Hattervig is showing up at your  
20 house September 1st, you've also called the clerk and said  
21 I'm a walking bomb, right?

22 A. Yes.

23 Q. And so Deputy Hattervig wanted to tell you that's  
24 scaring people, they think it's threatening, right?

25 A. Yeah. Well, boohoo.

—IVERS - CROSS—

1 Q. And so Deputy Hattervig told you, hey, it's the same  
2 thing I talked to you about before, they get frightened.  
3 You had called in and said, hey, I'm a ticking time bomb.  
4 And you disagreed with that and said, yeah, I am a ticking  
5 time bomb, didn't you?

6 A. Yeah.

7 Q. And so Hattervig tries to continue with you and say, but  
8 people are taking that as threatening.

9 A. I could give a damn.

10 Q. But he warned you that that's how people --

11 A. So what. Fuck him.

12 Q. And, in fact, you agreed with Deputy Hattervig. You  
13 said yeah, when he told you --

14 A. Good. I'm glad they're scared. That's not against the  
15 law.

16 Q. And he said, though, the problem is you are scaring  
17 people. If you are saying you are a ticking time bomb, that  
18 makes them think this guy is going to hurt me, right?

19 A. Arrest me.

20 Q. But Deputy Hattervig told you that on September 1st,  
21 didn't he?

22 A. This guy went to the indictment with a fake allegation.

23 Q. Mr. Ivers, that is not the question before you at all.

24 Move to strike.

25 A. Yeah, I don't care if it scared people. It's not

—IVERS - CROSS—

1       against the law.

2               MS. ALLYN: Your Honor, move to strike.

3               THE COURT: You should ignore the last answer by  
4       the witness.

5               THE DEFENDANT: You will notice none of this is  
6       against the law. There's no arrest warrants.

7       BY MS. ALLYN:

8       Q. Mr. Ivers, you didn't care about all those warnings from  
9       Deputy Hattervig because you were glad that your words were  
10      scaring people, weren't you? You wanted that.

11      A. I was so beyond anything that anybody in this room can  
12      feel. Damaged.

13      Q. Which is why you were glad that people were scared by  
14      your --

15      A. I was so damaged --

16      Q. Sir.

17      A. -- that I sent --

18      Q. Sir, please.

19      A. -- Judge Tunheim a letter that said I was a walking bomb  
20      so that he could understand the pain I was feeling.

21      Q. Mr. Ivers, I want you to listen to this statement. Tell  
22      me if I've got this right from September 1st, when Deputy  
23      Hattervig talked to you. But that F'g judge, you know,  
24      she's scared, and if she's fearful, it's not my problem, she  
25      made her bed, she's scared, she's fearful, she made her own

—IVERS - CROSS—

1 decision. You said that, right?

2 A. What about it?

3 Q. Because you are glad she's scared about your words.

4 A. So what.

5 Q. You said I'm not interested in Judge Wright sleeping  
6 comfortably tonight.

7 A. And what am I being prosecuted in this room for?

8 Q. I am asking you that you are glad that Judge Wright is  
9 scared about your threatening words, right?

10 A. Yeah. She screwed me out of a hundred thousand dollars  
11 by not giving me a jury trial. She stacked the deck. She  
12 stole my life. You bet.

13 Q. In fact, when the deputies came to talk to you after you  
14 said you don't know the 50 different ways I plan to kill  
15 her, you said that F'g judge, you know what, she doesn't  
16 sleep very well, good, F her, right?

17 A. So what. Big deal.

18 Q. Because that's what you wanted. You wanted her to feel  
19 scared like that.

20 A. It's my First Amendment right, freedom of speech, babe.  
21 Look it up.

22 Q. You are a dangerous person, aren't you?

23 A. No, I'm not.

24 Q. When Deputy Hattervig came to talk to --

25 A. Who did I hurt? Name somebody I have hurt. How can I

—IVERS - CROSS—

1 be dangerous if I've never hurt anyone?

2 Q. When Deputy Hattervig came to talk to you first on  
3 January 1st and January 4th of 2017, you promised him that  
4 this would be all over with once the court ruled, didn't  
5 you?

6 A. I don't remember.

7 Q. You said this is it, it's all going to be over with,  
8 right? You told him that.

9 A. Prior to her decision?

10 Q. That's right. January --

11 A. Prior to her decision, I bet you I said that, because I  
12 thought there is no way on Mother Earth that that woman can  
13 decide against me.

14 Q. But she did decide --

15 A. That case was -- I had people in from public -- from  
16 adult protection who said that --

17 Q. Well, wait.

18 A. -- George Tallman was a wonderfully, perfectly working  
19 human being.

20 Q. Now, Mr. Ivers, you also said that, though, after the  
21 ruling, right?

22 A. Do what?

23 Q. Mr. Ivers, even on September 1st, 2017, after Judge  
24 Wright's ruling, you still promised Deputy Hattervig this  
25 could be over, right?

—IVERS - CROSS—

1 A. I don't remember.

2 Q. You said whoever I yelled at, whatever, it's over with.  
3 Didn't you say that to Deputy Hattervig on September 1st?

4 A. I don't know. I can't remember if I said that to him.

5 Q. I'll show --

6 A. I mean, I do -- you know, I think -- I've got to say  
7 something. You have done an absolutely wonderful job with  
8 your graphics. Superior to my team. Sorry.

9 Q. Okay. There's no question before you about that.

10 A. But -- but -- and the sound is impeccable, and the  
11 read-along I have enjoyed that.

12 MS. ALLYN: May I approach?

13 THE COURT: You may.

14 THE DEFENDANT: But some of it I can't remember.

15 BY MS. ALLYN:

16 Q. Mr. Ivers, directing you to the transcript of  
17 September 1st, page 5, you say whoever I yelled at, it's  
18 over with, right?

19 A. Okay. So.

20 THE COURT: Ms. Allyn, can you wrap it up here in  
21 the next --

22 MS. ALLYN: Yep.

23 THE COURT: All right.

24 BY MS. ALLYN:

25 Q. Sir, it wasn't over with, is it? It wasn't over with.

—IVERS - CROSS—

1 You still threatened Judge Wright after that September 1st.

2 A. I have never threatened Judge Wright ever. I haven't  
3 seen or heard from Judge Wright in two years, other than I  
4 filed that motion.

5 MS. ALLYN: No further questions, Your Honor.

6 THE COURT: All right. Mr. Scott, do you have any  
7 redirect?

8 MR. SCOTT: No redirect, Your Honor.

9 THE COURT: All right. Ladies and gentlemen, I  
10 think I'm safe to tell you, and the lawyers are going to --  
11 I haven't had a chance to visit with them, but I'm going to  
12 tell you to come at 9:30 in the morning.

13 Mr. Scott, am I safe to conclude that the  
14 defendant will rest in the morning or perhaps now or not?

15 MR. SCOTT: Your Honor, we will rest now.

16 THE COURT: Okay. And is there rebuttal on behalf  
17 of the United States?

18 MS. ALLYN: No, Your Honor.

19 THE COURT: Okay. Ladies and gentlemen, why don't  
20 you come at 9:30.

21 The lawyers and I will be here at 8:30 to work on  
22 our instructions.

23 And I can't tell you how much I appreciate your  
24 hard work. I'm privileged to have this job, but one of the  
25 great things I get to do is naturalize new citizens. And I

1 use this line from Justice Brandeis, who used to tell his  
2 student Justice Frankfurter, that the highest office that  
3 anybody can hold in our country is that of citizen. And,  
4 you know, your devotion to being great citizens, coming  
5 here, giving of your time, listening patiently, putting up  
6 with the recesses and the delays, you know, I am very  
7 impressed by. I consider myself very lucky.

8 And so if you remember, don't get information from  
9 anybody else, don't discuss it with anybody else. And we'll  
10 be here tomorrow at 9:30 when you return.

11 We will be in recess.

12 THE CLERK: All rise.

13 (Court adjourned at 5:23 p.m., 9-13-2018.)

14 (The following record is made by Mr. Rank and Mr. Scott  
15 regarding exhibits.)

16 MR. SCOTT: Dan Scott for the defense.

17 MR. RANK: Tim Rank for the government.

18 MR. SCOTT: We have just gone through the exhibits  
19 with the clerk, the government's exhibits and the defense  
20 exhibits, and they are now all with the clerk, and we both  
21 agree that the contents of the exhibits are correct.

22 MR. RANK: We agree that they accurately reflect  
23 the exhibits that were admitted into evidence and have  
24 reviewed all of them such that they can go back to the jury.

25 MR. SCOTT: Right.



1 (Court adjourned at 5:40 p.m., 9-13-2018.)

2 \* \* \*

3 I, Renee A. Rogge, certify that the foregoing is a  
4 correct transcript from the record of proceedings in the  
5 above-entitled matter.

6 Certified by: /s/Renee A. Rogge  
7 Renee A. Rogge, RMR-CRR  
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